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Amphlett, R. H., K.C., elected a Bencher of Lincoln's-inn, 605  
Andrews, C. de J., appointed Solicitor to the London and North-Western Railway Co., 211  
Asbury, J. M., K.C., elected a Bencher of the Middle Temple, 499  
Aston, H. F., appointed a Judge of the High Court of Judicature, Bombay, 729  
Attler, H., appointed a Member of the Commission of Lieutenancy of the City of London, 73  
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Barry, W. F., appointed a Revising Barrister on the South-Eastern Circuit, 623  
Bingley, Henry C. A., appointed a Revising Barrister on the South-Eastern Circuit, 623  
Birrell, A., K.C., elected a Bencher of the Inner Temple, 240  
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Holdsworth, W. S., appointed Professor of Constitutional Law at University College, London, 676  
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# The Public General Statutes

FOR THE SESSION

2 & 3 EDWARD 7, 1902.

[STATUTES OF PRACTICAL IMPORTANCE RELATING TO ENGLAND AND WALES ONLY  
ARE SET OUT AT LENGTH.]

"SOLICITORS' JOURNAL" OFFICE, 27, CHANCERY LANE, LONDON.

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# STATUTES.

## Statutes 2 Edw. 7 Passed During the Autumn Session.

### CHAPTER 30.

#### [Appropriation (No. 2) Act, 1902.]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and three, and to appropriate the further Supplies granted in this Session of Parliament.

[25th November 1902.]

### CHAPTER 31.

#### [Supreme Court of Judicature Act, 1902.]

An Act to amend the Supreme Court of Judicature Acts.

[25th November 1902.]

Be it enacted, &c.:

1. *Power of Court of Appeal to sit in three divisions.*

In section twelve of the Supreme Court of Judicature Act, 1875 [38 & 39 Vict. c. 77], which empowers the Court of Appeal to sit in two divisions at the same time, the words "three divisions" shall be substituted for the words "two divisions."

2. *Short title.* This Act may be cited as the Supreme Court of Judicature Act, 1902, and may be cited with the Judicature Acts, 1873 to 1894.

### CHAPTER 32.

#### [Expiring Laws Continuance Act, 1902.]

An Act to continue various Expiring Laws.

[18th December 1902.]

Whereas the Acts mentioned in Part I. of the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December, one thousand nine hundred and two;

And whereas the Act mentioned in Part II. of

the Schedule to this Act is, to the extent aforesaid, limited to expire at the end of the present session of Parliament:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted, &c.:

1. *Continuance of Acts in Schedule.* (1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December, nineteen hundred and three, and shall then expire, unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

2. *Short title.* This Act may be cited as the Expiring Laws Continuance Act, 1902.

## SCHEDULE.

### PART I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1.) 5 & 6 Will. 4, c. 27 . . . .	The Linen Manufactures (Ireland) Act, 1835 . . . .	The whole Act . . . .	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2.) 3 & 4 Vict. c. 89 . . . .	The Poor Rate Exemption Act, 1840 . . . .	The whole Act . . . .	—
(3.) 4 & 5 Vict. c. 30 . . . .	The Ordnance Survey Act, 1841 . . . .	The whole Act . . . .	33 Vict. c. 13. 47 & 48 Vict. c. 43. 52 & 53 Vict. c. 30.
(4.) 10 & 11 Vict. c. 98 . . . .	The Ecclesiastical Jurisdiction Act, 1847 . . . .	As to the provisions continued by 21 & 22 Vict. c. 50.	—
(5.) 14 & 15 Vict. c. 104 . . . .	The Episcopal and Capitular Estates Act, 1851 . . . .	The whole Act . . . .	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114, s. 10.
(6.) 17 & 18 Vict. c. 102 . . . .	The Corrupt Practices Prevention Act, 1854 . . . .	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 39, s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(7.) 23 & 24 Vict. c. 19 . . . .	The Labourers (Ireland) Act, 1860 . . . .	The whole Act . . . .	—
(8.) 24 & 25 Vict. c. 109 . . . .	The Salmon Fishery Act, 1861 . . . .	As to the appointment of in- spectors, s. 31.	49 & 50 Vict. c. 39, s. 3. 55 & 56 Vict. c. 50.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(9.) 26 & 27 Vict. c. 105 . . .	The Promissory Notes Act, 1863 . . . . .	The whole Act . . . . .	45 & 46 Vict. c. 61.
(10.) 27 & 28 Vict. c. 20 . . .	The Promissory Notes (Ireland) Act, 1864 . . . . .	The whole Act . . . . .	—
(11.) 28 & 29 Vict. c. 46 . . .	The Militia (Ballot Suspension) Act, 1865 . . . . .	The whole Act . . . . .	45 & 46 Vict. c. 49.
(12.) 28 & 29 Vict. c. 83 . . .	The Locomotives Act, 1865 . . . . .	The whole Act . . . . .	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77 (Part II.) 59 & 60 Vict. c. 36. 61 & 62 Vict. c. 29.
(13.) 29 & 30 Vict. c. 52 . . .	The Prosecutions Expenses Act, 1866 . . . . .	The whole Act . . . . .	—
(14.) 31 & 32 Vict. c. 125 . . .	The Parliamentary Elections Act, 1868 . . . . .	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
(15.) 32 & 33 Vict. c. 21 . . .	The Corrupt Practices Commission Expenses Act, 1869 . . . . .	The whole Act . . . . .	34 & 35 Vict. c. 61.
(16.) 32 & 33 Vict. c. 56 . . .	The Endowed Schools Act, 1869 . . . . .	As to the powers of making schemes.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.
(17.) 33 & 34 Vict. c. 112 . . .	The Glebe Loan (Ireland) Act, 1870 . . . . .	The whole Act . . . . .	34 & 35 Vict. c. 100. 49 Vict. c. 6.
(18.) 34 & 35 Vict. c. 87 . . .	The Sunday Observation Prosecution Act, 1871 . . . . .	The whole Act . . . . .	—
(19.) 35 & 36 Vict. c. 33 . . .	The Ballot Act, 1872 . . . . .	The whole Act . . . . .	45 & 46 Vict. c. 50. (Municipal Elections.)
(20.) 38 & 39 Vict. c. 84 . . .	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act . . . . .	46 & 47 Vict. c. 51, s. 32. 48 & 49 Vict. c. 82. 49 & 50 Vict. c. 57.
(21.) 39 & 40 Vict. c. 21 . . .	The Jurors Qualification (Ireland) Act, 1876 . . . . .	The whole Act . . . . .	57 & 58 Vict. c. 49. 61 & 62 Vict. c. 37, s. 69.
(22.) 41 & 42 Vict. c. 41 . . .	The Parliamentary Elections, Returning Officers Ex- penses (Scotland) Act, 1878.	The whole Act . . . . .	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
(23.) 41 & 42 Vict. c. 72 . . .	The Sale of Liquors on Sunday (Ireland) Act, 1878 . . . . .	The whole Act . . . . .	—
(24.) 43 Vict. c. 18 . . .	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act . . . . .	46 & 47 Vict. c. 51.
(25.) 43 & 44 Vict. c. 42 . . .	The Employers' Liability Act, 1880 . . . . .	The whole Act . . . . .	—
(26.) 44 & 45 Vict. c. 5 . . .	The Peace Preservation (Ireland) Act, 1881 . . . . .	The whole Act . . . . .	49 & 50 Vict. c. 24. 50 & 51 Vict. c. 20.
(27.) 46 & 47 Vict. c. 51 . . .	The Corrupt and Illegal Practices Prevention Act, 1883 . . . . .	The whole Act . . . . .	58 & 59 Vict. c. 40.
(28.) 47 & 48 Vict. c. 70 . . .	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act . . . . .	56 & 57 Vict. c. 73.
(29.) 49 & 50 Vict. c. 29 . . .	The Crofters Holdings (Scotland) Act, 1886 . . . . .	As to the powers of the Com- missioners for the enlarge- ment of holdings, s. 22.	50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.
(30.) 51 & 52 Vict. c. 55 . . .	The Sand Grouse Protection Act, 1888 . . . . .	The whole Act . . . . .	—
(31.) 52 & 53 Vict. c. 40 . . .	The Welsh Intermediate Education Act, 1889 . . . . .	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60.
(32.) 58 & 59 Vict. c. 21 . . .	The Seal Fisheries (North Pacific) Act, 1895 . . . . .	The whole Act . . . . .	—
(33.) 59 Vict. c. 1 . . .	The Local Government (Elections) Act, 1896 . . . . .	The whole Act . . . . .	—
(34.) 59 & 60 Vict. c. 48 . . .	The Light Railways Act, 1896 . . . . .	As to the powers of the Light Railway Commissioners.	—

## PART II.

46 & 47 Vict. c. 60 . . .	The Labourers (Ireland) Act, 1883 . . . . .	The whole Act . . . . .	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48. 54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37.
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## CHAPTER 33.

[Agriculture and Technical Instruction  
(Ireland) (No. 2) Act, 1902.]

An Act to provide for the payment of certain moneys to the Department of Agriculture and Technical Instruction for Ireland.

[18th December 1902.]

## CHAPTER 34.

## [Patents Act, 1902.]

An Act to amend the Law with reference to Applications for Patents and Compulsory Licences, and other matters connected therewith.

[18th December 1902.]

Be it enacted, &c.:

1. *Examination of previous specifications in United Kingdom on applications for patents.* (1) Where an application for a patent has been made and a complete specification has been deposited by the applicant, the examiner shall forthwith, in addition to the inquiries which he is directed to make by the Patents, Designs, and Trade-Marks Act, 1883 [46 & 47 Vict. c. 57] (in this Act referred to as the principal Act), make a further investigation for the purpose of ascertaining whether the invention claimed has been wholly or in part claimed or described in any specification (other than a provisional specification not followed by a complete specification) published before the date of the application, and deposited pursuant to any application for a patent made in the United Kingdom within fifty years next before the date of application.

(2) If on investigation it appears that the invention has been wholly or in part claimed or described in any such specification, the applicant shall be informed thereof, and the applicant may, within such time as may be prescribed, amend his specification, and the amended specification shall be investigated in like manner as the original specification.

(3) The examiner shall report to the comptroller the result of his investigations in such manner as the Board of Trade may direct.

(4) The provisions of sub-section five of section one of the principal Act, as amended by any subsequent enactment, shall apply to reports under this section.

(5) If the comptroller is satisfied that no objection exists to the specification on the ground that the invention claimed thereby has been wholly or in part claimed or described in a previous specification as before mentioned, he shall, in the absence of any other lawful ground of objection, accept the specification.

(6) If the comptroller is not so satisfied, he shall, after hearing the applicant, and unless the objection be removed by amending the specification to the satisfaction of the comptroller, determine whether a reference to any, and, if so, what, prior specifications ought to be made in the specification by way of notice to the public.

(7) An appeal shall lie from the decision of the comptroller under this section to the law officer.

(8) Section eight of the principal Act and section three of the Patents, Designs, and Trade-Marks (Amendment) Act, 1885 [48 & 49 Vict. c. 63] (which regulate the time for depositing a complete specification), shall have effect as if references therein to the period of nine months were references to the period of six months.

(9) The investigations and reports required by this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Board of Trade or any officer thereof by reason of, or in connection with, any such investigation or report, or any proceeding consequent thereon.

(10) The Board of Trade, with the sanction of the Treasury, may prescribe an additional fee not exceeding one pound in respect of the investigation mentioned in this section, which shall be payable on the sealing of the patent.

(11) This section shall come into operation at

such date as the Board of Trade may by order direct, and shall apply only to applications made after that date, and the order shall be laid before both Houses of Parliament.

2. *Limitation as to anticipation.* An invention covered by any patent granted on an application to which section one of this Act applies shall not be deemed to have been anticipated by reason only of its publication in a specification deposited pursuant to an application made in the United Kingdom not less than fifty years before the date of the application for a patent therefor, or of its publication in a provisional specification of any date not followed by a complete specification.

3. *Amendment of law relating to compulsory licences.* Section twenty-two of the principal Act (relating to the grant of compulsory licences by the Board of Trade) is hereby repealed, and the following provisions shall be substituted therefor:—

(1) Any person interested may present a petition to the Board of Trade alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory licence, or, in the alternative, for the revocation of the patent;

(2) The Board of Trade shall consider the petition, and if the parties do not come to an arrangement between themselves, the Board of Trade, if satisfied that a *prima facie* case has been made out, shall refer the petition to the Judicial Committee of the Privy Council, and, if the Board are not so satisfied, they may dismiss the petition;

(3) Where any such petition is referred by the Board of Trade to the Judicial Committee, and it is proved to the satisfaction of the Judicial Committee that the reasonable requirements of the public with reference to the patented invention have not been satisfied, the patentee may be ordered by an Order in Council to grant licences on such terms as the said Committee may think just, or, if the Judicial Committee are of opinion that the reasonable requirements of the public will not be satisfied by the grant of licences, the patent may be revoked by Order in Council;

Provided that no order of revocation shall be made before the expiration of three years from the date of the patent, or if the patentee gives satisfactory reasons for his default;

(4) On the hearing of any petition under this section the patentee and any person claiming an interest in the patent as exclusive licensee or otherwise, shall be made parties to the proceeding, and the law officer or such other counsel as he may appoint shall be entitled to appear and be heard;

(5) If it is proved to the satisfaction of the Judicial Committee that the patent is worked or that the patented article is manufactured exclusively or mainly outside the United Kingdom, then, unless the patentee can shew that the reasonable requirements of the public have been satisfied, the petitioner shall be entitled either to an order for a compulsory licence, or, subject to the above proviso, to an order for the revocation of the patent;

(6) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied if, by reason of the default of the patentee to work his patent or to manufacture the patented article in the United Kingdom to an adequate extent, or to grant licences on reasonable terms, (a) any existing industry or the establishment of any new industry is unfairly prejudiced, or (b) the demand for the patented article is not reasonably met;

(7) An Order in Council directing the grant of any licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and made between the parties to the proceeding;

(8) His Majesty in Council may make rules of procedure and practice for regulating pro-

ceedings before the Judicial Committee under this section, and, subject thereto, such proceedings shall be regulated according to the existing procedure and practice in patent matters. Any Order in Council or any order made by the Judicial Committee under this Act may be enforced by the High Court as if it were an order of the High Court;

(9) The costs of and incidental to all proceedings under this section shall be in the discretion of the Judicial Committee, but in awarding costs on any application for the grant of a licence the Judicial Committee may have regard to any previous request for, or offer of, a licence made either before or after the application to the Committee;

(10) For the purposes of this section three members of the Judicial Committee shall constitute a quorum;

(11) This section shall apply to patents granted before as well as after the commencement of this Act.

4. *Performance of comptroller's duties.* In sub-section four of section eighty-two of the principal Act which relates to the performance of the duties of the comptroller by other officers under the direction of the Board of Trade the words "in his absence" shall be repealed.

5. *Short title and construction.* This Act may be cited as the Patents Act, 1902, and may be cited and shall be construed as one with the Patents, Designs, and Trade-Marks Acts, 1883 to 1901.

## CHAPTER 35.

## [Electric Lighting (Scotland) Act, 1902.]

An Act to amend the borrowing provisions of the Electric Lighting Act, 1882, and the Electric Lighting (Scotland) Act, 1890.

[18th December 1902.]

## CHAPTER 36.

## [Mail Ships Act, 1902.]

An Act to amend the Mail Ships Act, 1891.

[18th December 1902.]

Be it enacted, &c.:

1. *Amendment of 54 & 55 Vict. c. 31 as to security for ships engaged in postal service.* (1) For sub-section (2) of section three of the Mail Ships Act, 1891, the following sub-section shall be substituted:

"(2) The security shall be the bond of the owner guaranteed at his option either—

"(a) by one or more responsible sureties (whether natural or corporate persons) permanently resident within the jurisdiction of the High Court; or

"(b) by the payment or transfer into court of cash or of securities of the Government of the United Kingdom."

(2) In sub-section (5) of the same section, after the words "variation of conditions of the service" shall be inserted the words "change in the residence or place of business or circumstances of any surety."

2. *Short title.* This Act may be cited as the Mail Ships Act, 1902, and the Mail Ships Act, 1891, and this Act may be together as the Mail Ships Acts, 1891 and 1902.

## CHAPTER 37.

## [Osborne Estate Act, 1902.]

An Act to make provision with respect to the disposition and management of His Majesty's Osborne Estate in the Isle of Wight.

[18th December 1902.]

## CHAPTER 38.

## [Local Government (Ireland) Act, 1902.]

An Act to further amend the law relating to Local Government in Ireland, and for other purposes connected therewith.

[18th December 1902.]



## STATUTES.

## CHAPTER 39.

[*Militia and Yeomanry Act, 1902.*]

An Act to amend the law relating to the Militia and Yeomanry. [18th December 1902]

[18th December 1902.

Be it enacted, &c.:

1. Amendment of law relating to militia and yeomanry.] (1) For the purpose of forming reserve divisions of the militia and yeomanry, the Secretary of State may by regulations relax or dispense with the provisions of any enactment in any existing Act of Parliament relating to the training of militia

and yeomanry, so far as regards their application to men in the reserve divisions, and any man in a reserve division may be transferred by the competent military authority within the meaning of Part Two of the Army Act from one corps of militia or yeomanry to another, so, however, that a militiaman or yeoman shall not, without his consent, be transferred to a corps of another arm.

(2) All regulations made in pursuance of this section shall be laid before Parliament as soon as practicable after they are made if Parliament be then sitting, and, if Parliament be not sitting, as soon as practicable after the beginning of the next session of Parliament.

(3) Sections three and four of the Militia Act, 1882 [45 & 46 Vict. c. 49], relating to militia and government of the militia, shall apply to yeomanry.

2. *Short title.*] This Act may be cited  
Militia and Yeomanry Act, 1902.

## CHAPTER 40.

[*Uganda Railway Act, 1902.*]

An Act to provide further money for the  
Railway. [18th December]

[18th December 1941]

CHAPTER 41.

[Metropolis Water Act, 1902.]

An Act for establishing a Water Board to manage the supply of Water within London and certain adjoining Districts, for transferring to the Water Board the undertakings of the Metropolitan Water Companies, and for other purposes connected therewith.

[18th December 1902.]

Enacted, &c.:

Establishment of Water Board.

1. *Establishment of Water Board.*] (1) A board, to be called the Metropolitan Water Board, and in this Act referred to as "the Water Board," shall be established for the purpose of acquiring by purchase and of managing and carrying on the undertakings of the companies mentioned in the First Schedule to this Act (in this Act referred to as "metropolitan water companies"), and generally for the purpose of supplying water within the area described in the Second Schedule to this Act, subject to such alterations therein as may be made by or under this Act (which area is in this Act referred to as "the limits of supply").

(2) The Water Board shall be a body corporate with a common seal, having power to acquire and hold land for the purposes of this Act without licence in mortmain.

(3) Subject to the provisions of this Act, the Water Board shall consist of a chairman, a vice-chairman, and other members; the chairman and vice-chairman shall be appointed by the Water Board, and the other members shall be appointed as follows:—

Fourteen by the London County Council.  
Two by the common council of the City.  
Two by the council of the city of Westminster.  
One by the council of each of the other metropolitan boroughs.  
One by the county council of Essex.  
Two by the council of the borough of West Ham.  
One by the council of the urban district of East Ham.  
One by the council of the urban district of Leyton.  
One by the council of the urban district of Walthamstow.  
One by the councils of the urban districts of Buckhurst Hill, Chingford, Loughton, Waltham Holy Cross, Wanstead, and Woodford.  
One by the county council of Kent.  
One by the councils of the urban districts of Beckenham, Bromley, Chislehurst, Penge, Bexley, Dartford, Erith, and Footscray.  
One by the county council of Middlesex.  
One by the council of the urban district of Tottenham.  
One by the council of the urban district of Willesden.  
One by the council of the borough of Ealing and the councils of the urban districts of Acton and Chiswick.  
One by the councils of the urban districts of Brentford, Hampton, Hampton Wick, Hanwell, Heston and Isleworth, Sunbury, Teddington, and Twickenham.  
One by the councils of the urban districts of Edmonton, Enfield, and Southgate.  
One by the councils of the urban districts of Hornsey and Wood Green.  
One by the county council of Surrey.  
One by the council of the borough of Kingston and the councils of the urban districts of East and West Molesey, Esher and the Dittons, Ham, Surbiton, Barnes, the Maldens and Coombe, and Wimbledon.  
One by the county council of Hertfordshire.  
One by the Conservators of the River Thames.  
One by the Lee Conservancy Board.

(4) The Water Board may pay to the chairman and vice-chairman or either of them such salary or salaries as the Board may determine.

(5) Subject to the provisions of this section the provisions of the Third Schedule to this Act with respect to the constitution and proceedings of the Water Board shall have effect.

*Board.* (1) Subject to the provisions of this Act, as from the appointed day the undertaking of each of the metropolitan water companies shall be transferred to and shall vest in the Water Board, and there shall also be transferred from each company to the Water Board all liabilities with respect to any debenture stock or mortgage debt of such company, and all other debts, liabilities, and obligations of such company then existing.

(2) The Water Board shall pay to each company, as compensation for the transfer of their undertaking, such sum as may be agreed on between the Board and the company, or, in default of agreement, as may be determined by arbitration under this Act, but the sum so payable may, if the Water Board and the company so agree, be discharged wholly or partly in water stock.

(3) An agreement for the purposes of this section shall not be made except in pursuance of a resolution of an absolute majority of the whole number of the Water Board after ten clear days' notice in writing of the meeting and of the intention to propose the resolution has been given to every member of the Board, and any such notice shall state the amount of the sum to be paid, or of the water stock to be issued, under the proposed agreement. Any such agreement shall be valid only if and so far as it is confirmed by the Court of Arbitration constituted by this Act, and that court may confirm the agreement either with or without modifications.

3. *Effect of transfer.*] Subject to the provisions of this Act, as from the appointed day the Water Board shall hold the undertaking of each metropolitan water company and may exercise all the rights, powers, authorities, and privileges of the company, and shall (to the exclusion of the company) be subject to all the duties, obligations, and liabilities of the company, under the Acts, whether local or general, and the charters, orders, and other provisions relating to the company in like manner *mutatis mutandis* as if they were the company, and where the company are, immediately before the appointed day, supplying water otherwise than in bulk in any parish in which they are not by the Acts relating to the company authorized to supply water, those Acts and all public general Acts applying to the metropolitan water companies shall as from that date extend and apply to that parish and the works of the company comprised therein, as if the parish had been a parish in which the company were authorized to supply water:

Provided that so much of any Act as authorizes or requires any such company to supply water otherwise than in bulk in any place which, in accordance with the provisions of this Act, ceases to be within the limits of supply, shall not, so long as that place continues to be without the limits of supply, apply to the Water Board.

4. *Security for mortgage and other debts transferred to Board.*] As from the appointed day any debts, debenture stock, or rentcharges or other annual payments secured on the undertaking or income of any of the metropolitan water companies or any part thereof shall be by virtue of this enactment secured in like manner on the water fund established by this Act, and any debts, debenture stock, or rentcharges or other annual payments charged on any specific property of any such company shall remain charged on that property; and the mortgagee or other person secured shall have the same rights and remedies, as nearly as may be, against the Water Board and the water fund or any specific property charged, as he would have had against the company and the undertaking or income, or the specific property charged, if this Act had not been passed.

5. *Discharge, application, and distribution of compensation.*] (1) The money or stock to which a metropolitan water company become entitled under this Act in consideration for the transfer of their undertaking shall be paid or issued to the company by the Water Board within six months after the appointed day or after the ascertainment of the amount thereof, whichever date is the later.

(2) The money or stock so paid or issued shall be applied and distributed in the manner provided with respect to the company in the Fourth Schedule to this Act. This sub-section shall not apply to the New River Company.

6. *Application of sinking funds.*] (1) As soon as

the compensation to which any metropolitan water company are entitled has been applied and distributed in accordance with the provisions of this Act, the Chamberlain of the City of London shall transfer to the Water Board all money or other property received by him in respect of the stock or shares of the company held by him, and applicable as a sinking fund towards the purchase of the undertaking of the company under the special Acts of the company, and shall at the same time transfer to the Water Board any debenture stock or money held by him and applicable towards the same purpose.

(2) Any water stock or debenture stock transferred to the Water Board under this section shall be forthwith cancelled and extinguished.

(3) So much of any local Act as requires any such company to make periodical payments to any such fund as aforesaid shall not apply to the Water Board.

7. *Substitution of water stock for irredeemable debenture stock.*] (1) Within two years from the appointed day all irredeemable debenture stock shall be extinguished, and the Water Board shall issue to the holders thereof in substitution therefor the amount of water stock to which they are severally entitled under this section.

(2) The amount of water stock to be so issued to a holder of debenture stock shall be such an amount as is sufficient to produce the same sum by way of income as the debenture stock in substitution for which it is issued.

(3) As soon as the Water Board resolve to issue water stock in substitution for any debenture stock under this section, they shall give notice of their intention to do so by advertising it once in the London Gazette and in two or more London daily newspapers, and by sending notice by post to each of the holders of that debenture stock, to his registered address, and the notice shall specify the place and the time, not being less than three months from the date of the notice, at which the issue of water stock will be made.

(4) Before water stock is issued under this section in substitution for any debenture stock the certificate of that stock shall be produced and delivered to the Water Board: Provided that the Water Board shall dispense with the production and delivery of a certificate upon receiving such indemnity as may be reasonably required.

(5) As from the time fixed by the notice for the issue of water stock in substitution for any debenture stock, that debenture stock shall be cancelled and extinguished, and no interest shall after that time accrue due in respect thereof, but the water stock issued in substitution therefor shall carry interest as from the time so fixed.

(6) Water stock issued under and for the purposes of this section shall not be redeemable until after the expiration of sixty years from the thirty-first day of March one thousand nine hundred and three.

(7) The water stock under this section substituted for any irredeemable debenture stock shall be held in the same rights, on the same trusts, and subject to the same powers, provisions, charges, and liabilities as those in, on, or to which the debenture stock was held immediately before the substitution, and so as to give effect to, and not to revoke, any deed, will, or other instrument or testamentary or other disposition disposing of or affecting the debenture stock, and every such deed, will, instrument, or disposition shall take effect with reference to the whole or a proportionate part, as the case may be, of the substituted water stock.

8. *Provisions as to redeemable debenture stock and mortgage debts.*] (1) The Water Board shall, within one hundred years from the thirty-first day of March one thousand nine hundred and three, purchase or redeem, and pay off, all redeemable debenture stock and all mortgage debts, and any stock so purchased or redeemed by the Board shall, as from the date of the purchase or redemption, be extinguished and cancelled.

(2) The holder of any such debenture stock or mortgage debt, whether or not he is a trustee or under any disability, may agree with the Water Board to accept water stock in lieu of money in consideration for his debenture stock or mortgage debt.

(3) Nothing in this section shall be construed as authorizing the Water Board to redeem debenture

stock otherwise than in accordance with the conditions as to redemption applicable to the stock.

9. *Special provisions as to New River Company.* With respect to the New River Company and the undertaking thereof, the following provisions shall have effect notwithstanding anything in this Act contained:—

- (1) The undertaking of the New River Company shall not include any landed estate, houses, or property of the company not directly used for or connected with their water supply, nor any books, accounts, or documents relating solely to such estate, houses, and property, nor any books, accounts, or documents which though connected with their water supply also relate to other parts of the undertaking or property of the New River Company, all which landed estate, houses, and property and books, accounts, and documents so excepted shall be specified in a schedule sealed with the seal of the company, and signed by the governor of the company and by a secretary of the Local Government Board, and deposited with that Board; and all such estate, houses, and property and every part thereof shall, as from the appointed day, be absolutely freed and discharged from the debenture stock of the New River Company and the Staines Reservoirs guaranteed debenture stock, and from all principal moneys and interests thereby secured.
- (2) There shall be excepted from the debts, liabilities, and obligations of the New River Company transferred to the Water Board all debts, liabilities, and obligations of that company incurred solely in respect of such estate, houses, and property as aforesaid, or any part thereof.
- (3) The undertaking of the New River Company shall not include such part of the offices and premises in Rosebery Avenue now in the occupation of that company and the office furniture and fittings therein as may after the appointed day be reasonably required for the purposes of the company, and all structural or other alterations which may be requisite for the division of the said offices and premises shall be executed at the expense of the Water Board, and in case of difference as to such division or the cost thereof the same shall be settled by the Court of Arbitration.
- (4) The sum payable to the New River Company as compensation for the transfer of their undertaking shall be discharged wholly in water stock, and the amount thereof shall, in default of agreement made in accordance with the provisions of section two of this Act, be determined by arbitration under this Act.
- (5) The Court of Arbitration constituted under this Act shall settle and determine the shares and proportions in which so much of the water stock issued to the New River Company under this Act as is distributable amongst the shareholders of the company shall be apportioned as between—
  - (a) the owners of the thirty-six parts or shares in the Adventurers' moiety of the undertaking of the New River Company (hereinafter referred to as "the Adventurers' shares"); and
  - (b) the owners of the thirty-six parts or shares in the King's moiety of the undertaking of the New River Company (hereinafter referred to as "the King's shares"); and
  - (c) the owners of the New River Company's new shares issued under the New River Company's Act, 1866.
 But in determining the proportion of water stock to be apportioned to the owners of the Adventurers' shares the Court of Arbitration shall have regard to the sum payable to the New River Company under this Act and distributable amongst the directors by way of compensation for loss of office.
- (6) The transfer of the undertaking of the New River Company to the Water Board shall include the transfer of all interest and estate of any shareholder of the company in any land or property forming part or used for

the purposes of the undertaking of the company and not excepted by the provisions of this section.

- (7) Every Adventurers' share and every King's share, and every part of an Adventurers' or King's share, and any water stock issuable or issued in respect of any such share or part of a share, and the right to receive any such water stock, shall—
  - (i) until the appointed day; and
  - (ii) after the appointed day, but thereafter only unless or until—
    - (a) some person who is sui juris is absolutely entitled beneficially in possession to or has a general power to dispose of such share or part of a share, or such water stock; or
    - (b) such share or part of a share, or such water stock or the right to receive such water stock, is transferred on a sale to a purchaser
 for all purposes of disposition, transmission, and devolution, be considered as land, and (so far as regards such water stock or right to receive water stock) be held for and go to the same persons in the same manner and for and on the same estates, interests, and trusts as the Adventurers' or King's share, or the part of an Adventurers' or King's share, in respect of which the water stock is issuable or issued, would have been held and have gone under any will, settlement, or other instrument affecting that share or part of a share, or otherwise, if this Act had not been passed.
- For the purposes of this provision the expression "general power" includes every power or authority enabling the donee or other holder thereof to appoint or dispose of the fee simple or absolute interest of or in property in possession as he thinks fit, but exclusively of any power exercisable in a fiduciary capacity or exercisable as tenant for life under the Settled Land Acts, 1882 to 1890, or as mortgagee.
- (8) The New River Company shall, in the next or next succeeding session of Parliament, introduce into Parliament a Bill to make provision for the application and distribution of the water stock issued to the New River Company in consideration for the transfer of their undertaking, and provisions shall be inserted in such Bill for (amongst other matters) the following, that is say:—
  - (a) The distribution of the water stock amongst the several persons entitled to or interested in the Adventurers' shares, the King's shares, and the New River Company's new shares respectively, with all such provisions as may be necessary or desirable for the purpose of preserving the respective rights of such several persons and otherwise in relation to such stock;
  - (b) The transfer into court of any water stock in any case where the New River Company are unable to find the person to whom the same is issuable, or where the New River Company are unable to obtain an effectual discharge for the same;
  - (c) The eventual winding up and dissolution or the reconstruction of the New River Company;
 

And any further provisions which may be necessary or desirable in relation to the distribution of the compensation for the transfer of the undertaking of the New River Company, and for the protection of the directors of the company, shall be inserted in the Bill.
- (9) The Water Board shall, if so required by the New River Company, instead of issuing to the company the whole of the water stock to be issued to them under this Act, issue that water stock to such amounts and to such persons as the company may require, and the issue of water stock in accordance with such requirements shall to that extent discharge the Water Board of their liability to issue water stock to the company.

10. *Provisions as to Staines Reservoirs Joint Committee.* No compensation shall be payable under this Act to the Staines Reservoirs Joint Committee for the transfer of their undertaking to the Water Board, and on the appointed day that committee shall be dissolved, but nothing in this section shall prejudice or affect any claim which any metropolitan water company make in respect of the interest of the company in the undertaking of the joint committee or any expenditure by the company in respect of the said undertaking.

*Provisions as to certain Boroughs and Districts.*

11. *Transfer of water undertakings of the Tottenham and Enfield District Councils.* (1) As from the appointed day the water undertaking of the councils of the urban district of Tottenham, and of the urban district of Enfield, shall be transferred to and shall vest in the Water Board freed from all debts, liabilities, and obligations of the council incurred in respect of or attaching to the undertaking.
- (2) The Water Board shall pay to each council in consideration for the undertaking so transferred such a sum as may be agreed on between the Board and the council, or in default of agreement as may be determined by arbitration under this Act.
- (3) All securities granted before the appointed day on the credit of any fund or rate of either of the said councils, as well as all unsecured debts, liabilities, and obligations incurred by either of those councils in respect of their water undertaking shall be discharged, paid, and satisfied by that council.
- (4) Each council shall apply any sum received by them under this section in discharging any capital liabilities incurred by them in respect of their water undertaking or with the consent of the Local Government Board for any other purpose for which capital money may be applied by the council or partly in the one way and partly in the other.
- (5) The Water Board shall, as from the appointed day, supply water in such parts of the urban district of Tottenham as are immediately before that date supplied by the council thereof, and that supply shall be furnished by the Board as if in exercise of their powers as successors of the New River Company, and the Acts relating to and the regulations made by that company shall apply not only to the parts so supplied, but also to the remaining parts of that district, except the portion supplied by the East London Waterworks Company.
- (6) The Water Board shall, as from the appointed day, supply water in such parts of the urban district of Enfield as are immediately before that date supplied by the council thereof, and that supply shall be furnished by the Board as if in exercise of their power as successors of the New River Company, and the Acts relating to and the regulations made by that company shall apply not only to the parts so supplied, but also to the remaining parts of that district, subject however, as regards a portion of the district of Enfield, to the provisions of this Act with respect to the Barnet District Gas and Water Company.
- (7) The provisions of this Act as to—
  - (a) the inspection of works; and
  - (b) the inspection and taking copies of and extracts from books, accounts, and documents; and
  - (c) Existing officers and existing servants; and
  - (d) Agreements
 shall apply to the waterworks, and the books, accounts, and documents relating thereto, and the officers and servants employed solely thereon or in connection therewith, of the councils of the urban districts of Tottenham and Enfield, and to agreements between the Water Board and those councils, in like manner as they apply to the works, books, accounts, and documents, and existing officers and existing servants of the metropolitan water companies, and to agreements between the Water Board and those companies.
- (8) For the purposes of this section the expression "water undertaking" includes all lands, buildings, wells, works, materials, and plant of the councils suitable to and used by them for the purposes of supplying water within their dis-



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12. *Provision as to certain boroughs and urban districts.* As from the appointed day such parts of the boroughs of Croydon and Richmond, and of the urban districts of Cheshunt and Ware, as are within the limits of supply shall cease to be within the limits of supply, and the powers, rights, and duties of the councils of those boroughs and districts with respect to the supply of water shall extend throughout their respective boroughs and districts, and all such waterworks and plant transferred to the Water Board under this Act as are situated in any such borough or urban district and which are at the passing of this Act or have been within six months immediately previous thereto in actual use for the supply of any part of the borough or district (other than waterworks or plant used for supplying with water any other place within the limits of supply) shall be transferred to and shall vest in the council of the borough or district in which they are so situated upon such terms as may be agreed upon between the council and the Water Board, or, in default of agreement, as may be determined by arbitration under this Act, and the council shall also pay to Water Board in respect of the loss by the Water Board and the acquisition by the council of the right of supplying water within the parts of the borough or urban district within which the council are not supplying water at the passing of this Act, such sum (if any) as may be agreed upon or determined in like manner.

13. *Supply in bulk to certain districts and persons.*

(1) The Water Board shall, if required by the council of the borough of Croydon or Richmond, or of the urban district of Cheshunt or Ware, or by the council of any rural district situate wholly or partly within the limits of supply, supply water in bulk to that council for use within any part of the district of the council which at the passing of this Act was within the limits of supply, in such quantities, and at such price and generally upon such terms and conditions as may be agreed upon between the council and the Water Board, or, in default of agreement, as may be determined by arbitration, and the agreement or award may provide for the revision from time to time of the quantity of water to be supplied, and the price, terms, and conditions of the supply and for the discontinuance of the supply in such manner as may be specified in the agreement or award:

Provided that if the Water Board are required to supply water in bulk to the council of a rural district the district shall cease to be within the limits of supply, and if the district is one in which, at the date of the requisition, the are situate any waterworks and plant belonging to the Water Board, which are at the date of such requisition or have been within six months immediately preceding thereto in actual use for the supply of any part of such district the waterworks and plant so situate and used (except the waterworks or plant necessary for supplying with water any other place within the limits of supply) shall be transferred to and shall vest in the council upon such terms as may be agreed upon between the council and the Water Board, or, in default of agreement, as may be determined by arbitration, and the council shall also pay to the Water Board in respect of the loss by the Water Board, and the acquisition by the council, of the right of supplying water within the parts of the district within which the council are not supplying water at the date of such requisition such sum (if any) as may be agreed upon or determined in like manner.

(2) Where the price to be paid for a supply of water in bulk or the quantity of water to be so supplied or the terms and conditions of the supply can be determined in the course of an arbitration held for the purpose of determining the price to be paid for waterworks and plant transferred by this Act to the council of a borough or urban district, or the sum to be paid in respect of the right of supplying water, the price, quantity, terms, or conditions shall if necessary be determined at that arbitration; but save as aforesaid an arbitration under this section shall be in accordance with the provisions of the Public Health Act, 1875 (38 & 39 Vict. c. 55), with respect to arbitrations authorized by that Act, and the provisions as to arbitrations under this Act shall not apply.

(3) Where any metropolitan water company before the passing of this Act have from time to time supplied water in bulk to any person in any district in which the company are not authorized to supply water, the Water Board may continue to furnish such a supply upon such terms and subject to such conditions as may be agreed upon between the Water Board and the person supplied.

14. *Special provisions as to Hertfordshire.*

(1) The quantity of water to be supplied in bulk under the provisions of this Act by the Water Board to the council of an urban or rural district in Hertfordshire shall not be determined by agreement or arbitration, but shall be such quantity as the council may require, so, however, that the quantity required in any quarter shall not exceed such quantity as will suffice to afford the like quantity of water per head of the population within the area supplied by the council as was during the corresponding quarter in the preceding year supplied per head of the population within the limits of supply, and that the quantity required in any one day shall not exceed one sixtieth of the total quantity which can be required during the quarter comprising that day, and any questions arising under this sub-section shall be determined by the Local Government Board.

(2) In the event of the council of the urban district of Hoddesdon becoming entitled to construct waterworks within their district, the provisions of this Act relating to the supply of water in bulk to the councils of rural districts shall apply as if that urban district were a rural district in Hertfordshire.

#### Financial Provisions.

15. *Expenses of Board.* (1) There shall be established a water fund, and all receipts of the Water Board shall be carried to that fund, and all payments by the Board shall be made out of that fund.

(2) Any sum required to meet any deficiency in the water fund, whether for satisfying past or future liabilities, in any financial year, shall be apportioned amongst the City of London and the metropolitan boroughs in the City of London and the municipal boroughs and urban districts outside London, the councils of which are for the time being entitled to be represented on the Water Board, in proportion to the rateable value appearing in the valuation lists in force on the preceding sixth day of April of the hereditaments at that date supplied with water by the Water Board or any metropolitan water company or the council of the urban district of Tottenham or Enfield in the City and each such borough or district.

(3) The Water Board shall issue precepts for the sums apportioned to the City and the several boroughs and districts liable—

- (a) in the case of the City of London, to the common council;
  - (b) in the case of a metropolitan borough, to the council of that borough;
  - (c) in the case of a municipal borough or urban district, to the council thereof;
- and the council shall pay to the Water Board the amount specified in the precept.

(4) The amount required by any such precept shall be paid—

- (a) in the case of the city out of the consolidated rate;
- (b) in the case of a metropolitan borough as part of the expenses incurred by the council thereof;
- (c) in the case of a municipal borough or urban district out of the fund or rate out of which the expenses of the council thereof incurred in the execution of the Public Health Acts are payable.

(5) A demand note for any rate levied for defraying any expenses of the Water Board, together with other expenses, shall state as a separate item the amount to be paid for defraying the expenses of that Board.

(6) The Water Board shall not, until Parliament otherwise determine, reduce the rates charged for the supply of water below those in force during the quarter ending the twenty-fourth day of June, one thousand nine hundred and two, unless the Board are satisfied that such a reduction would not cause

a deficiency in the water fund; but the Water Board shall, with three years after the appointed day, introduce in Parliament a Bill providing for uniform scales of charges applicable throughout the limits of supply.

(7) Within three years after the appointed day the Water Board may prepare and publish in the London Gazette a scheme enabling their charges for the supply of water to be collected together with any local rate.

Any local or rating authority within the limits of supply may transmit to the Local Government Board their objections to any such scheme within forty days after the scheme is published in the London Gazette.

16. *Powers of borrowing.* (1) The Water Board may borrow money for the purpose of—

- (a) paying any money (other than money payable by way of interest on purchase-money) payable under this Act by the Water Board to a metropolitan water company; and
- (b) paying any money payable under this Act by the Water Board to the council of the urban district of Tottenham or Enfield; and
- (c) purchasing, redeeming, or paying off any debenture stock or mortgage debt; and
- (d) executing any work authorized by the Acts relating to any of the metropolitan water companies, so that the amount does not exceed the amounts which were immediately before the appointed day under those Acts authorized to be raised for that purpose, but have not been raised before that date; and
- (e) paying any compensation payable under this Act (otherwise than by way of annuity);

and, with the consent of the Local Government Board, for the purpose of any payment by the Water Board or of any permanent work or other thing which the Water Board are authorized to execute or do, and which, or the cost of which ought, in the opinion of the Local Government Board, to be spread over a term of years.

(2) All money borrowed under this section shall be raised by means of the issue of water stock under this Act, unless the Local Government Board consent to some other mode of raising the money, and, where the Local Government Board so consent, any money raised and the interest thereon shall be charged on the water fund or on such property or revenues of the Water Board, and in such manner as the Local Government Board may sanction.

(3) Any money borrowed under this Act, if borrowed for the purpose of making any payment to a metropolitan water company, or to the council of the urban district of Tottenham or Enfield, or of redeeming, purchasing, or paying off any debenture stock or mortgage debt, shall be repaid within the period of one hundred years from the thirty-first day of March, one thousand nine hundred and three, and, if borrowed for any other purpose, shall be repaid within such period not exceeding sixty years from the date of the borrowing as the Water Board, with the consent of the Local Government Board, may determine.

(4) For the purpose of paying off a loan raised under this Act, the Water Board shall have the like powers of re-borrowing as a county council have under section sixty-nine of the Local Government Act, 1888 [51 & 52 Vict. c. 41], and the provisions of that section, so far as they relate to re-borrowing, shall apply as if they were herein re-enacted and in terms made applicable to the Water Board and to the security on which that Board are by or under this Act authorised to borrow.

(5) So much of any Local Act as relates to the method of borrowing money by a metropolitan water company shall as from the appointed day be repealed.

17. *Issue of water stock.* (1) For the purpose of enabling the Water Board to raise money which they are authorised to borrow under this Act, and to issue any water stock which, under the provisions of this Act, is to be issued to any metropolitan water company or the holder of any debenture stock or mortgage debt, the Water Board may create a sufficient amount of stock to be called Metropolitan Water Stock, and in this Act referred to as water stock, bearing interest at such a rate not exceeding three pounds per centum per annum, as the Water Board, with the consent

of the Local Government Board, and after consultation with the Governor of the Bank of England, may resolve.

(2) Water stock and the interest thereon shall be charged on the water fund and on all the revenues of the Water Board.

(3) Subject to the provisions of this Act, the provisions of section fifty-two of the Public Health Acts Amendment Act, 1890 [53 & 54 Vict. c. 59], which relates to the issue of stock by local authorities, shall apply to water stock as if it were stock created under, and the Water Board were an authority mentioned in, that section, and the regulations in respect of water stock issued to the holders of irredeemable debenture stock shall be uniform with the regulations in respect of other water stock except as to the period of redemption and the provisions relating thereto.

(4) Water stock shall be included amongst the securities in which a trustee may invest under the powers of the Trustee Act, 1893 [56 & 57 Vict. c. 53].

**18. Provisions as to discharge of loans, &c.]** (1) The Water Board shall, in accordance with regulations made by the Local Government Board, by the creation of one or more sinking or redemption funds or otherwise, make provision for—

- (a) the discharge within a period of one hundred years from the thirty-first day of March, one thousand nine hundred and three, of the amount of any water stock issued by the Board in consideration for the undertaking of any metropolitan water company or in substitution or in consideration for any debenture stock or mortgage debts; and
- (b) the discharge within that period of all debenture stock and mortgage debts which under this Act are to be discharged within that period; and
- (c) the discharge within the periods within which they are under this Act to be discharged of any sums borrowed by the Water Board under this Act.

Provided that during the first twenty years of the said period of one hundred years the Water Board shall not be required to make any payments towards the discharge of water stock, debenture stock, mortgage debts, or loans, for the discharge of which the said period of one hundred years is fixed by this Act, other than the payment in respect of each year towards the discharge of such water stock of the amount (if any) by which the receipts on revenue account exceed the expenditure on that account of the Water Board in that year, after deducting such sum as may be reasonably necessary for meeting current expenses. The sums so to be paid shall be paid as soon as may be after the amount thereof is ascertained, and the certificate of the auditor of the accounts of the Water Board, subject to such variations as the Local Government Board may allow, shall be conclusive as to the amount to be paid.

(2) The Local Government Board may make regulations under this section, and the regulations so made—

- (a) if they relate to the discharge of water stock, shall be made under section fifty-two of the Public Health Acts Amendment Act, 1890 [53 & 54 Vict. c. 59], as applied by this Act; and
  - (b) if they relate to the discharge of any debenture stock, mortgage debts, or loans, may apply, with or without modifications, any enactments of the Local Loans Act, 1875 [38 & 39 Vict. c. 83], and the Acts amending that Act, and may contain such other provisions as appear to the Local Government Board necessary or proper for the purpose of the regulations, and shall have effect as if they were in the Act.
- (3) For the purpose of this section, the expression "discharge" means—
- (a) with respect to water stock and debenture stock, the redemption or purchase thereof; and
  - (b) with respect to mortgage debts and loans, the payment off or repayment thereof.

**19. Accounts and audit.]** The accounts of the Water Board, and any committee appointed by them, and of their officers, shall be made up and audited in like manner, and subject to the same provisions, as the accounts of county councils,

except that a water consumer shall have the same right of being present at the audit, and of making objections and appealing, as a ratepayer has, and that the stamp duty charged on the Water Board for the purposes of the District Auditors Act, 1879, shall be such as the Treasury, after consultation with the Local Government Board, and having regard to the cost of the audit, may determine, and the enactments relating to the accounts of county councils and the audit thereof, and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply accordingly.

**20. Provisions as to payments by the Water Board.]**

(1) At the beginning of every financial year the Water Board shall cause to be submitted to them an estimate of the receipts and expenditure of such Board during that financial year whether on account of property, contributions, rates, loans, or otherwise.

(2) All payments to and out of the water fund shall be made to and by the treasurer of the Water Board, and all payments out of the fund shall be made in pursuance of an order of the Water Board signed by three members of the finance committee present at the meeting of the Board and countersigned by the clerk of the Board, and the same order may include several payments.

Moreover all cheques for the payment of money issued in pursuance of such order shall be countersigned by the clerk of the Board, or by a deputy approved by the Board.

(3) The Water Board shall from time to time appoint a finance committee for regulating and controlling their finance, and an order for the payment of a sum out of the water fund whether on account of capital or income shall not be made by the Water Board except in pursuance of a resolution of the Board passed on the recommendation of the finance committee, and any costs, debt, or liability exceeding fifty pounds shall not be incurred except upon a resolution of the Board passed on an estimate submitted by the finance committee.

(4) The notice of the meeting at which any resolution for the payment of a sum out of the water fund (otherwise than for ordinary periodical payments), or any resolution for incurring any costs, debt, or liability exceeding fifty pounds, will be proposed, shall state the amount of the said sum, costs, debt, or liability, and the purposes for which they are to be paid or incurred.

**21. Power of certain local authorities to borrow.]**

(1) The payment of any money payable by a local authority to the Water Board in respect of any waterworks and plant transferred to the authority by or under this Act or in respect of the right to supply water within any part of the area of the authority shall for purposes of borrowing be deemed to be expenses incurred by the authority in the execution of the Public Health Acts.

(2) The amount of money to be borrowed shall not be restricted by the limitation on borrowing contained in sub-sections (2) and (3) of section two hundred and thirty-four of the Public Health Act, 1875, and in calculating the amount which the local authority may borrow under the last-mentioned Act any money borrowed by the authority for the purposes of this Act shall not be reckoned.

**22. Application of capital receipts.]** Any money received by the Water Board from the Chamberlain of the City of London under this Act, or in respect of any waterworks and plant transferred from the Board by or under this Act, or as the proceeds of the sale of any land under this Act, and any other capital receipts of the Board, not applicable to any other purpose, shall be applied in such manner as the Local Government Board sanction towards any purpose for which money may be borrowed under this Act, or towards the discharge of any loan, or otherwise for any purpose for which capital money may be applied by the Water Board.

**Arbitration.**

**23. Provisions as to arbitration.]** (1) For the purpose of arbitrations under the Act a Court of Arbitration shall be constituted consisting of three commissioners, and the Right Honourable Sir Edward Fry, Sir Hugh Owen, G.C.B., and Sir John Wolfe Barry, K.C.B., shall be the commissioners.

(2) If any vacancy in the Court of Arbitration

occurs by reason of death, resignation, or incapacity, or otherwise, the Lord Chief Justice of England shall appoint a person to fill the vacancy, and so from time to time as occasion requires.

(3) The Court of Arbitration may appoint or employ such number of officers and persons as they may think necessary for the purpose of assisting in the execution of their duties under this Act, and may remove any officer or person so appointed or employed, and for the purpose of obtaining any information which the Court may require may direct any commissioner or any such officer or person to hold an inquiry. But nothing in this Act shall authorize the commissioners to delegate any of their judicial duties as arbitrators.

(4) There shall be paid to the commissioners and to any officer or person appointed or employed under this section, such salaries or other remuneration as the Local Government Board may assign, and that remuneration, and all expenses of the Court of Arbitration incurred with the sanction of the Local Government Board in the execution of this Act, shall be paid by the Water Board.

(5) Subject to the provisions of this section, the authority of the Court of Arbitration shall extend to the settlement and the determination by them, on such terms and in such manner as is most just and fit, of the matters referred to them, and also of all such matters and questions (including any adjustment of accounts between the parties to the arbitration) as are, in their judgment, incidental thereto or consequential thereon, to the end that their award or awards may effect a final and equitable settlement.

(6) Every award order and other instrument made by or proceeding from the Court of Arbitration under this Act shall be binding and conclusive to and for all intents and purposes and shall have the like effect as if it had been made by a judge of the High Court and shall be acted on, obeyed, executed, and enforced accordingly.

The Court may make one or more awards dealing with the matters referred to them.

The Court of Arbitration may state their award, or any part thereof, in the form of a special case for determination by the Court of Appeal, and may at any stage of the proceedings at an arbitration, and shall, if so directed by the Court of Appeal, state in the form of a special case for determination by the Court of Appeal any question of law arising in the course of the arbitration, and an appeal shall, with the leave of the Court of Appeal but not otherwise, lie from the Court of Appeal to the House of Lords, but subject to any order made by the House of Lords in accordance with the Appellate Jurisdiction Act, 1876, every such appeal shall be brought within two months after the decision appealed against is pronounced by the Court of Appeal if the House of Lords is then sitting, or, if not, within fourteen days after the House of Lords next sits. The Court of Arbitration shall act in accordance with the decision arrived at in any such case.

(7) The Court of Arbitration may act by two of their number, and notwithstanding any vacancy in their number. Subject as aforesaid, the court may regulate their own procedure, and the procedure at an inquiry held under this section.

(8) In fixing the sum to be paid by the Water Board as hereinbefore provided, the Court of Arbitration shall determine the value of the undertaking of each metropolitan water company as if with the necessary modifications the law of compensation for the purposes of the Lands Clauses Acts were applicable to the case: Provided that the Court shall not make any allowance for compulsory sale, and shall not take into account any enhancement or depreciation of the market value of any stock or shares of the company, which in the opinion of the Court was caused by or results from the passing or the anticipation of the passing of this Act, but the Court may make such allowance as they think just for recoupment of any loss of interest pending re-investment as well as for the cost of re-investment, and for covering any costs, charges, and expenses (other than costs incurred in any arbitration under this Act) which have been or are likely to be incurred in consequence of the passing of this Act by any metropolitan water company or the shareholders or stockholders therein, and which ought, in the opinion of the Court, to be borne by the Water Board.

(9) The costs of any metropolitan water com-



may incurred in an arbitration under this Act shall, except and so far as the Court of Arbitration otherwise determine, be borne by the Water Board, and the costs of any other person attending an arbitration under this Act shall be in the discretion of the Court of Arbitration, and that Court may order the taxation of any costs in such manner and on such scale or principle as they may think fit. And the costs of and incidental to any proceedings in the Court of Appeal, and the statement of a case under this section, shall be in the discretion of the Court of Appeal.

(10) The provisions of the Arbitration Act, 1889, relating to—

- (a) The administration of oaths and the taking of affirmations; and
- (b) The correction in an award of mistakes and errors; and
- (c) The summoning attendance and examination of witnesses and the production of documents; and
- (d) False evidence

shall apply to arbitrations under this Act and also (except with regard to the correction of mistakes and errors in awards) to inquiries held under this section; but, save as aforesaid, the Arbitration Act, 1889, shall not apply to arbitrations under this Act.

(11) The Court of Arbitration shall commence their sittings within nine months after the passing of this Act and shall proceed with the arbitrations so as to make as far as possible all their awards before the appointed day.

*Miscellaneous.*

**34. Subsidiary powers of Water Board.]** (1) The Water Board shall, for the purposes of their powers and duties under this Act or otherwise with respect to the supply of water within the limits of supply, have power—

- (a) to manage, alter, enlarge, and, with the consent of the Local Government Board, to alienate, any land or buildings transferred to them under this Act or otherwise vested in the Water Board; and
- (b) to acquire, hire, erect, and furnish such buildings and offices as they may require, whether within or without the limits of supply, and for that purpose to acquire, purchase, or take on hire or exchange land: Provided that nothing in this section shall authorise or empower the Board to acquire any waterworks or wells or to use any lands or any easements or any rights in or over lands acquired under the powers of this section for the purpose of obtaining water for public supply; and
- (c) to promote or oppose any Bill in Parliament and prosecute or defend legal proceedings.

(2) For the purposes of this section, sections one hundred and seventy-six, one hundred and seventy-seven, and one hundred and seventy-eight of the Public Health Act, 1875, shall, except so far as they relate to the acquisition of land otherwise than by agreement, apply as if they were herein re-enacted and in terms made applicable to the Water Board.

(3) The clerk of the Water Board or any officer or member thereof acting under a general or special resolution of the Board may authorise the institution and carrying on or the defence of any proceeding which the Board are authorised to institute, carry on, or defend. Any information or complaint under the provisions of this Act or any other Act, whether local or general, applying to the undertakings of the metropolitan water companies or of the Water Board, or any byelaws or regulations made thereunder, may be laid or made by an officer or member of the Water Board or by the clerk.

(4) The Superannuation (Metropolis) Act, 1866, shall apply to the Water Board as if the Board were an authority mentioned in that Act.

**35. Provisions for securing the supply of pure and wholesome water.]** (1) The Water Board shall cause to be made chemical and bacteriological examinations of and experiments as to the condition of the water to be supplied by them.

(2) The Water Board shall supply such buildings, apparatus, and plant, and such staff, and construct such works as may be required for enabling such examinations and experiments to be conducted efficiently.

(3) The persons employed by the Water Board to

make examinations and experiments under this section shall periodically report to the Water Board the result of their examinations and experiments, and a copy of the report shall at the same time be sent to the water examiner.

(4) The Water Board shall take and record such observations as may be required by the Local Government Board.

(5) The water examiner shall, at all reasonable times, have free access to the works of the Water Board for the purpose of inspecting those works, and shall have all proper facilities for making such inspection.

**36. Power of the Local Government Board to make provisional orders for certain purposes.]** (1) If at any time by reason of the variation of population or the constitution or inclusion within the limits of supply of any borough or urban district it is proved to the satisfaction of the Local Government Board that the representation on the Water Board of any borough or district ought to be varied or that any borough or urban district within the limits of supply ought to be represented on the Water Board, the Local Government Board may make an order altering the representation of boroughs and urban districts and may by any such order alter the total number of members of the Board.

(2) The Local Government Board may by order on the application of the Water Board, include within the limits of supply any district which, having, as a rural district or as a part thereof, ceased to be within the limits of supply, has subsequently been made an urban district.

(3) The Local Government Board may by order make such adaptations in the provisions of any general or local Act relating to the metropolitan water companies or any of them as may be necessary in consequence of the passing of this Act.

(4) An order under this section may contain any incidental, consequential, or supplemental provisions which may appear to be necessary or proper for the purposes of the order, but shall be provisional only and shall not have effect unless confirmed by Parliament, and sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875, shall, with the necessary modifications, apply to provisional orders under this section in like manner as they apply to provisional orders authorized to be made by the Local Government Board under that Act.

**37. Provisions as to local inquiries.]** (1) The Local Government Board may hold such local inquiries as they think fit in relation to any matters to which their sanction, approval, or consent is required by this Act, and in relation to any other matters connected with their powers and duties under this Act.

(2) The expenses incurred by the Local Government Board in respect of any such inquiries and any other proceedings for the purposes of this Act shall be paid by the Water Board or by such authorities and persons and out of such funds and rates as the Local Government Board may by order direct, and that Board may certify the amount of the expenses so incurred, and any sum so certified and directed by that Board to be paid by the Water Board or by any authority or person shall be a debt from the Water Board, or from that authority or person, to the Crown.

(3) Such expenses may include the salary of any inspector or officer of the Local Government Board engaged in the inquiry or proceeding, not exceeding three guineas a day.

(4) The Local Government Board and their inspectors appointed by them to hold such inquiry as aforesaid shall have for the purposes of the inquiry the same powers as they respectively have for the purposes of an inquiry under the Public Health Act, 1875.

**38. Annual report.]** The Water Board shall make to the Local Government Board an annual report of their proceedings, and this report shall be laid annually before Parliament by the Local Government Board. The Water Board shall also give to the Local Government Board such returns, statistics, and information, with respect to the exercise of the powers of the Water Board, as the Local Government Board may require.

**39. Dissolution of water companies.]** (1) As soon as the compensation due to any metropolitan water company shall have been duly paid or satisfied to

such company in accordance with this Act, the company shall enter upon a liquidation of its affairs, and upon the conclusion thereof be dissolved in manner provided with respect to the company in the Fourth Schedule to this Act.

This sub-section shall not apply to the New River Company or to the Staines Reservoirs Joint Committee.

(2) The several provisions and powers contained in the several special Acts of the metropolitan water companies shall remain and be of full force as regards the companies respectively, so far as the same are necessary or required for the purposes of any company up to and until the dissolution thereof.

Provided always that it shall not be obligatory to fill up any vacancy in the office of director occurring after the appointed day and it shall be lawful for the continuing directors for the time being of each company to exercise all powers of directors up to and until the dissolution of the company.

**30. Provision as to qualification of justices.]** A justice of the peace shall not be capable of acting in any case in which the Water Board are a party by reason only that as a ratepayer, water consumer, or holder of water stock or debenture stock, or as one of any other class of persons, he is liable to contribute to, or to be benefited by, the water fund.

*Savings.*

**31. Saving of right of authorities to be heard against Bills.]** Nothing in this Act shall affect the right of any council or other authority represented on the Water Board to be heard against any Bill or Provisional Order promoted or applied for by the Water Board.

**32. Saving for the Colne Valley Water Company.]** Notwithstanding anything in this Act it shall not be lawful for the Water Board without the authority of Parliament to supply water in that part of the parish of Hendon which under the Colne Valley Water Act, 1873, is within the limits of supply of Colne Valley Water Company.

**33. Saving for the South West Suburban Water Company.]** Nothing contained in or done under this Act shall prejudice or affect any agreement between the South West Suburban Water Company and any metropolitan water company or any local authority or person made prior to the passing of this Act, for a supply of water within the statutory district of the South West Suburban Water Company, or shall authorise the Water Board to supply water within the limits of supply of the South West Suburban Water Company as defined by section four of the South West Suburban Water Act, 1883, except in pursuance of any such agreement.

**34. Saving for the Sutton District Water Company.]** The provisions of this Act shall not empower the Water Board or any local authority to supply water within the limits for the supply of water of the Sutton District Water Company, as defined by the Sutton District Waterworks Act, 1871, except so much thereof as was on the twenty-fifth day of March one thousand nine hundred and two supplied by the Company of Proprietors of Lambeth Waterworks.

**35. Saving for the Barnet District Gas and Water Company.]** (1) The Water Board shall not be entitled to supply water within so much of the urban district of Enfield as is comprised within the statutory limits of the Barnet District Gas and Water Company for the supply of water, but this restriction shall apply only if and so long as that company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the Enfield Urban District Council, and the provisions as to the settlement of differences under section fifty-two of the Public Health Act, 1875, shall apply.

(2) The provisions of this Act shall not empower the Water Board to supply water (unless with the consent of the Barnet District Gas and Water Company) within any part of the statutory limits of that company for the supply of water in which a metropolitan water company were not authorised to supply water, except to such premises as at the appointed day may be actually supplied by the New River Company.

**36. Saving for the South Essex Waterworks Company.]**

Notwithstanding anything in this Act it shall not be lawful for the Water Board to extend their supply of water, whether in bulk or otherwise, to or within so much of the Romford Rural District as is comprised within the statutory limits of the South Essex Waterworks Company, but this restriction shall apply only if and so long as that company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the Romford Rural District Council, and the provisions relating to the settlement of differences under section fifty-two of the Public Health Act, 1875, shall apply.

*Definitions: Repeal: Short Title.*

**37. Definitions.]** In this Act, unless the context otherwise requires,—

The expression "constituent authority" means a council, group of councils, or other body entitled to appoint one or more members of the Water Board:

The expression "undertaking" includes, in the case of any metropolitan water company, all rights of taking, distributing, and supplying water, and all other their rights, powers, authorities, and privileges, and all such property, real and personal, including cash balances, reserve funds, investments, and all other interests and rights in, to, and out of the property, real and personal, and obligations, and things in action, as may be in the possession of the company, or belonging to them, immediately before the appointed day, and all books, accounts, and documents relating thereto, but subject to all debts, liabilities, and obligations of the company by this Act transferred to the Water Board:

The expression "appointed day" means the twenty-fourth day of June one thousand nine hundred and four, or such other day as the Local Government Board may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections, or for different authorities or different metropolitan water companies, but no day earlier than the said twenty-fourth day of June shall be appointed as respects any metropolitan water company, except with the consent of that company and the Water Board:

The expression "water consumer" means any person who is supplied with water by the Water Board, or who pays or is liable to pay any money charged by that Board for or in respect of the supply of water, whether under the name of rent, rate, or otherwise:

The expression "debenture stock" means any debenture stock or debentures, the liability for which is transferred by this Act to the Water Board:

The expression "mortgage debt" means any debt secured by bond or otherwise, the liability for which is transferred by this Act to the Water Board:

The expression "shareholder" includes, in the case of the New River Company, the owners of and persons interested in the thirty-sixth parts or shares in the Adventurers' moiety of the undertaking of the New River Company and the thirty-sixth parts or shares in the King's moiety or that undertaking.

**38. Repeal.]** The enactments mentioned in the Fifth Schedule to this Act shall as from the appointed day be repealed to the extent specified in the third column of that schedule.

**39. Short title.]** This Act may be cited as the Metropolis Water Act, 1902.

*Transitory Provisions.*

**40. Maintenance of undertakings till appointed day.]** (1) Until the appointed day the undertaking of each metropolitan water company shall be maintained and carried on by the company as heretofore in the ordinary course of business, but if the Water Board think that any appointment to any office or service of the company, or any contract with respect to any matter connected with the

undertaking, or any alteration in the rate of salary or wages payable to any officer or servant of the company, made by the company subsequently to the introduction of the Bill for this Act, was not reasonably necessary in the ordinary course of business of the company, they may give notice in writing to the company to that effect within three months after the appointed day:

Provided that if the Water Board give any such notice it shall be referred to the Court of Arbitration under this Act to determine whether or not the appointment, contract, or alteration was reasonably necessary in the ordinary course of the business of the company, and that court shall determine whether and to what extent, as between the Water Board and the company, any liability arising in respect thereto is to be transferred to the Water Board, or is to continue as a liability of the company.

(2) The accounts and balance sheet of each of the metropolitan water companies up to the appointed day shall be made up and audited in like manner and with the like incidents and consequences, as nearly as may be, as if this Act had not been passed, but as soon as practicable after the appointed day; and for that purpose the provisions of the Metropolis Water Act, 1871, relating to the auditor and the audit of the accounts of the companies shall notwithstanding any repeal by this Act continue to apply; and the balance shown on the certified accounts representing profits available for immediate distribution as dividend and legally distributable as such shall, in the case of each of such companies, be thereupon paid over by the Water Board to that company; and the accounts and balance sheet of each such company after the appointed day shall be audited by auditors appointed by the company.

(3) In determining the compensation for the transfer of the undertaking of a company, the sum payable to the company under this section shall not be valued as forming part of the undertaking.

**41. Provisions for enabling companies to carry on the business, &c., after the appointed day.]** (1) For the purpose of enabling the metropolitan water companies to prepare and conduct their cases for arbitration under this Act, and to enter into agreements with the Water Board, and to discharge their liabilities, and generally to carry on the business of the companies, and to wind up their affairs and dissolve the companies—

(a) Any such company may after the appointed day temporarily retain for their own use such money, offices, books, accounts, and documents, and the services of such officers and servants, as may be agreed upon between the Water Board and the company, or failing agreement, be determined by the Local Government Board; and

(b) Any officer of and any other person authorised in that behalf by any such company shall have free access to all the works transferred to the Water Board from the company for the purpose of inspecting those works, and to all books, accounts, and documents of the company in the possession of the Water Board, for the purpose of inspecting, copying, and making extracts from the same, and shall have all proper facilities for the purposes aforesaid; and

(c) There shall be paid by the Water Board to each such company from time to time on account of the sum ultimately found to be due to the company from the Board, such sums as may be agreed upon between the Board and the company, or failing agreement, as may be determined by the Local Government Board.

(2) It shall be at the option of the Local Government Board to determine any matter, which by this section they are authorised to determine, as arbitrators or otherwise, and if they elect to determine the matter as arbitrators, the provisions of the Regulation of Railways Act, 1868 [31 & 32 Vict. c. 119], respecting arbitrations by the Board of Trade, and the enactments amending those provisions, shall apply as if they were herein reenacted, and in terms made applicable to the Local Government Board and the determination of matters under this section.

**42. Inspection of works, &c., of companies.]** Any person authorised in that behalf by the Water Board shall have free access to the works of any

metropolitan water company for the purpose of inspecting those works and to all books, accounts, and documents in the possession of the company (other than documents prepared for the purpose of an agreement or arbitration under this Act), for the purpose of inspecting, copying, and making extracts from the same, and shall have all proper facilities for the purposes aforesaid.

**43. Payment of dividends to companies till discharge of compensation.]** (1) The Water Board shall, from and after the appointed day, pay by way of interest on purchase money to each metropolitan water company half-yearly until the compensation under this Act is paid or satisfied to such company a sum of money equal to the dividend on the ordinary and preference capital of the company calculated on the average rate of dividend paid thereon respectively in respect of the two half years preceding the publication of the notice for the Bill for this Act, together with, in respect of the reasonable expectations of increasing dividends (if any), such additional sums (if any) as may be agreed on, or in default of agreement as may be determined by arbitration under this Act; such sum shall and may be treated by the companies respectively as profits available for dividend between the shareholders as if this Act had not been passed and may be distributed or dealt with accordingly:

Provided that—

(a) if the amount payable in any year under this section to any company exceeds the amount which, by reason of any limitation on the dividend of that company, would have been distributable as dividend if this Act had not been passed, the excess shall not be paid to the company; and

(b) if any instalment of such compensation as aforesaid is in pursuance of an interim award of the Court of Arbitration paid or satisfied to the company the sums payable under this section shall as from the date of payment or satisfaction be reduced by such an amount as may be specified in the interim award.

(2) The payments under this section shall, until the compensation as aforesaid under this Act is paid or satisfied, be payable by the Water Board at the dates on which the dividend on the ordinary and preference capital would have been distributable by the company:

Provided that if on the date at which any such sum is payable to a company it has not been determined whether any or what additional sum is payable to the company, the additional sum (if any) shall be paid as soon as the amount thereof has been determined.

(3) In this section the expression "ordinary and preference capital" means, in the case of each company, all the capital of the company in stock or shares, whether ordinary or preference, as the case may be, existing on the appointed day, and includes also in the case of the New River Company the shares of all the shareholders of that company.

**44. Temporary advances.]** (1) With a view to supply funds to the Water Board immediately on their entering on the undertakings of the metropolitan water companies, the Water Board may obtain advances of such sums of money as they may require for meeting their obligations and carrying on their business, provided that the total amount so obtained shall not exceed five hundred thousand pounds, or such larger sum as the Local Government Board may sanction; and the sums so advanced shall be charged on the water fund; but it shall be the duty of the Water Board to repay any advance obtained under this section within five years from the date of obtaining the advance, and all interest thereon.

(2) The provisions of this Act as to borrowing, and the repayment of money borrowed shall not apply to advances under this section.

**45. Pending proceedings and existing contracts.]** Subject to the provisions of this Act and without prejudice to any remedy over by the Water Board against any metropolitan water company—

(a) if on the appointed day any proceeding of any cause of action is pending or existing by or against any metropolitan water company, the same shall not abate, be discontinued, or be in any way prejudicially affected by reason of the transfer to the Water Board of the undertaking of the company or of anything in



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this Act, but the proceeding or cause of action may be continued, prosecuted, and enforced by or against the Water Board as it might have been by or against the company if this Act had not been passed, but not further or otherwise; and

(6) all contracts, deeds, bonds, agreements, and other instruments subsisting immediately before the appointed day, and effecting any metropolitan water company, shall be of as full force and effect against or in favour of the Water Board, and may be enforced as fully and effectually as if, instead of the company, the Water Board had been a party thereto:

Provided that nothing in this section shall effect any proceeding, cause of action, contract, deed, bond, agreement, or other instrument relating solely to any landed estate, houses, or property of the New River Co., or any debts, liabilities, or obligations of the company incurred solely in respect thereof, which, under the provisions of this Act, are not transferred to the Water Board.

46. *Saving for existing byelaws, &c.*] All byelaws, rules, regulations, and scales of water charges made or enforceable by any metropolitan water company shall, so far as they are consistent with the provisions of this Act, continue in force with respect to the undertaking to which they relate, until repealed, altered, or superseded.

47. *Existing officers and servants.*] (1) Subject to the provisions of this Act every officer and servant of a metropolitan water company employed upon or in connexion with the undertaking immediately before the appointed day (in this Act referred to as "an existing officer" and "an existing servant") shall, as from the appointed day, become an officer or servant of the Water Board and shall hold his office or situation by the same tenure and upon like terms and conditions under the Water Board as he would have held the same under the company if this Act had not been passed, and while performing the same duties shall receive not less salary, wages, or pay than he would have been entitled to if this Act had not been passed.

(2) Every existing officer and existing servant shall perform such duties in connexion with the water undertaking of the Water Board as they may be required to perform by the Board.

(3) The Water Board may abolish the office or situation of any existing officer or existing servant which they deem unnecessary, and any existing officer or existing servant required to perform duties such as are not analogous, or which are an unreasonable addition to those which as an officer or servant of the company he was required to perform, may relinquish his office or service.

(4) Every existing officer or existing servant whose office is so abolished or who relinquishes his office or service as aforesaid, or who otherwise suffers any direct pecuniary loss in consequence of this Act, shall be entitled to be paid by the Water Board compensation for such pecuniary loss, regard being had to the conditions on which his appointment was made, the nature of his office or employment, the duration of his services, and any other circumstances affecting the case.

(5) Subject to the provisions of this section, the provisions contained in section one hundred and twenty of the Local Government Act, 1888, relating to compensation to existing officers, shall apply to any claim for compensation by an existing officer or an existing servant with the substitution of references to the Water Board and water fund for references to the county council and county fund.

(6) If within a period of five years after the appointed day the services of any existing officer or existing servant are dispensed with by the Water Board, because his services are not required, and not on account of misconduct or incapacity, or the salary of any such officer or servant is reduced on the ground that his duties have been diminished in consequence of the provisions of this Act, the officer or servant shall be deemed to have suffered direct pecuniary loss in consequence of this Act.

(7) Any person who on the appointed day is in receipt of a pension or other superannuation allowance from a metropolitan water company shall continue to receive from the Water Board the same pension or allowance unless he is guilty of grave misconduct, and any question whether he has been guilty of such misconduct shall in case of difference be determined by the Local Government Board:

Provided that if the Court of Arbitration, on the application of the Water Board, made within three months after the appointed day, determine that a grant or increase of a pension or superannuation allowance made by a company after the date of the introduction of the Bill for this Act was not in accordance with the usual practice of the company with respect to granting and increasing pensions and allowances, the Water Board shall not be liable to pay the pension or allowance or increased pension or allowance to such extent as the court may determine.

(8) In computing the time of service of any existing officer or existing servant for the purpose of determining the compensation to which he is entitled under this section, or of any annual allowance that may be awarded him by the Water Board under the provisions of the Superannuation (Metropolis) Act, 1866, as applied by this Act, the period during which he has been in the service of a metropolitan water company shall be included, and in the case of the following existing officers, viz., Isaac Adolphus Crookenden, the secretary, and William Booth Bryan, the engineer, of the East London Waterworks Company; Harry Wilkins, the secretary, and Thomas Farmer Parkes, the engineer, of the Company of Proprietors of Lambeth Waterworks, who were appointed to their office as specially qualified persons at an age exceeding that at which public service ordinarily begins, there shall be added to the number of years during which he has actually served, such number of years not exceeding twenty, as the Water Board or (on appeal) the Treasury may think just. Any such appeal to the Treasury shall be made within three months after the decision of the Water Board. The salary, compensation, or annual allowance to which James William Restler, the engineer of the Southwark and Vauxhall Water Company, may become entitled under this Act, shall be calculated on the basis of the average amount received by him during the five years next before the passing of this Act by way of emoluments, salary, and percentage on the cost of new works. The compensation or annual allowance to which Walter Hunter, the engineer of the Grand Junction Waterworks Company, may become entitled under this Act, shall be two-thirds of the average amounts received by him for salary and emoluments during the five years next before the passing of this Act.

(9) If Sir William Crookes and Professor James Dewar, or either of them are, or is, immediately before the appointed day, employed in making examinations of and experiments as to the condition of water on behalf of the metropolitan water companies, they, or he, shall as from that date be transferred to the Water Board, and shall for the purpose of compensation be deemed existing officers or an existing officer within the meaning of this section.

(10) Every existing officer or existing servant not entitled to compensation under this section, who becomes incapable of discharging the duties of his office with efficiency, by reason of permanent infirmity of mind or body, or who has attained the age of sixty years, or who, having been in the service of a metropolitan water company for a period of not less than five years, is dismissed by the Water Board on any ground other than misconduct, shall, upon his resigning or otherwise ceasing to hold office, be entitled to a superannuation allowance upon the terms and conditions and according to the scale specified in the Superannuation (Metropolis) Act, 1866, as applied by this Act.

48. *Compensation to directors.*] (1) The Water Board shall pay to each of the metropolitan water companies, by way of compensation for the loss of office sustained by such of the directors of the company as were in office both at the date of the publication of the notice for the Bill for this Act and on the appointed day, such sum as may be agreed upon between the Water Board and the company, or, in default of agreement, as may be determined by an arbitrator appointed by the Local Government Board.

(2) The sum paid to any company under this section shall be distributed amongst the directors entitled to compensation in such proportions as those directors, or a majority of them, determine.

49. *Compensation to auditor of companies accounts.]*

The Water Board shall pay to the auditor of the accounts of the metropolitan water companies such annual or other sum by way of compensation for loss of office as the Local Government Board may think just.

50. *Transitory provisions as to supply in bulk.]* Until the quantity of water to be supplied to the council of a borough or urban district which under this Act ceases to be within the limits of supply has been determined in accordance with the provisions of this Act, the Water Board shall supply to each council such quantity as the council may require, not exceeding three hundred and fifty gallons per diem for each supply within the borough or urban district, as ascertained from the register of supplies in existence at the appointed day, and the price to be paid for the water so supplied shall be a matter to be determined in accordance with the provisions of this Act relating to the price to be paid for water supplied in bulk to the council of a borough or district.

51. *Power of Local Government Board to remove difficulties.]* (1) If any difficulty arises with respect to the establishment of the Water Board or to the appointment of the first members thereof or to the first meeting thereof, the Local Government Board may by order make any appointment or do anything which appears to them to be necessary or expedient for the proper establishment of the Water Board, and the proper holding of the first election and first meeting.

(2) Any such order may modify the provisions of this Act, so far as may appear to the Local Government Board necessary or expedient for carrying the order into effect.

52. *Provisions as to stamp duty on transfer.]* Where the amount of the consideration for an undertaking transferred to the Water Board under this Act is not ascertained before the appointed day, the date of the final ascertainment of that amount shall, for the purposes of section twelve of the Finance Act, 1895 (which relates to stamp duty on property vested by Act of Parliament), be treated as the date of vesting.

53. *Costs of Act.]* All costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act incurred by the Local Government Board shall be repaid to that Board by the Water Board when established under this Act.

## SCHEDULES.

### FIRST SCHEDULE.

#### METROPOLITAN WATER COMPANIES.

The Governor and Company of the New River brought from Chadwell and Amwell to London, commonly called the New River Company.

The East London Waterworks Company.

The Southwark and Vauxhall Water Company.

The Company of Proprietors of the West Middlesex Waterworks.

The Company of Proprietors of Lambeth Waterworks.

The Governor and Company of Chelsea Waterworks.

The Grand Junction Waterworks Company.

The Company of Proprietors of the Kent Waterworks.

The Staines Reservoirs Joint Committee.

### SECOND SCHEDULE.

#### DESCRIPTION OF THE LIMITS OF SUPPLY.

The parishes and places in which at the appointed day any of the metropolitan water companies are authorised to supply water, and the parishes of Sunbury and Chessington.

### THIRD SCHEDULE.

#### CONSTITUTION AND PROCEEDINGS OF WATER BOARD.

1. The chairman or vice-chairman need not be appointed from amongst the members of the Water Board, but if a member of the Board is appointed chairman or vice-chairman the appointment shall not create a casual vacancy.

2. A person shall be disqualified for being appointed or being a member of the Water Board if he—

(a) holds any paid office under the Water Board save as permitted by this Act; or

(b) Is concerned in any bargain or contract entered into with the Water Board or participates in the profit of any such bargain or contract or of any work done under the authority of the Board:

Provided that a person shall not be disqualified for being appointed or being a member of the Board by reason of being interested—

(a) In the sale or lease of any lands or in any loan of money to the Board, or in any contract with the Board for the supply from land, of which he is owner or occupier, of water, or materials for work done by or under the authority of the Board; or

(b) In any newspaper in which any advertisement relating to the affairs of the Board is inserted; or

(c) In any bargain or contract with the Board as a shareholder in any company; but he shall not vote at any meeting of the Board on any question in which such company are interested.

3. A director of a metropolitan water company shall, until the compensation payable to the company is determined, be disqualified from being appointed or being a member of the Water Board.

4. If a person appointed to be a member of the Water Board is a member of the Council or one of the Councils by whom he is appointed, he shall, if he ceases for two months to be a member of that Council, at the end of that period vacate his office as member of the Water Board.

5. The member appointed by the Conservators of the River Thames shall be a Conservator appointed by the county councils of Gloucestershire and Wiltshire, or by the county councils of Oxfordshire, Berkshire, or Buckinghamshire, or by the council of the county borough of Oxford or Reading.

6. The members of the Water Board appointed by the Conservators of the River Thames and the Lee Conservancy Board shall not vote or act in respect of any question arising before the Water Board as regards the transfer of any undertaking to the Water Board under this Act.

7. A person shall be disqualified for being a member of the Board if he is convicted either on indictment or summarily of any crime, and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, or is adjudged bankrupt, or makes a composition or arrangement with his creditors.

8. A member appointed by a constituent authority consisting of a group of councils shall be appointed by those councils acting through a joint committee.

9. Subject to any variation of representation according to the provisions of this Act the joint committees for appointing members of the Water Board shall be constituted as follows:—

(i) The joint committee of the councils of the urban districts of Buckhurst Hill, Chingford, Loughton, Waltham Holy Cross, Wanstead, and Woodford shall consist of twelve members, of whom one shall be appointed by each of the councils of the urban districts of Buckhurst Hill, Chingford, and Loughton, two by the council of the urban district of Waltham Holy Cross, three by the council of the urban district of Wanstead, and four by the council of the urban district of Woodford.

(ii) The joint committee of the councils of the urban districts of Beckenham, Bromley, Chislehurst, Penge, Bexley, Dartford, Erith, and Footscray shall consist of twenty members, of whom four shall be appointed by each of the councils of the urban districts of Beckenham and Bromley, three by each of the councils of the urban districts of Erith and Penge, two by each of the councils of the urban districts of Bexley and Dartford, and one by each of the councils of the urban districts of Chislehurst and Footscray.

(iii) The joint committee of the councils of the borough of Ealing and of the urban districts of Acton and Chiswick shall consist of eight members, of whom three shall be appointed by the council of the borough of Ealing, three by the council of the urban district of Acton, and two by the council of the urban district of Chiswick.

(iv) The joint committee of the councils of the urban districts of Brentford, Hampton, Hampton Wick, Hanwell, Heston and Isleworth, Sunbury, Teddington, and Twickenham shall

consist of twenty-one members, of whom one shall be appointed by each of the councils of the urban districts of Hampton Wick and Sunbury, two by each of the councils of the urban districts of Hampton and Hanwell, three by each of the councils of the urban districts of Brentford and Teddington, four by the council of the urban district of Twickenham, and five by the council of the urban district of Heston and Isleworth.

(v) The joint committee of the councils of the urban districts of Edmonton, Enfield, and Southgate shall consist of five members, of whom two shall be appointed by each of the councils of the urban districts of Edmonton and Enfield and one by the council of the urban district of Southgate.

(vi) The joint committee of the councils of the urban districts of Hornsey and Wood Green shall consist of seven members, of whom five shall be appointed by the council of the urban district of Hornsey and two by the council of the urban district of Wood Green.

(vii) The joint committee of the councils of the borough of Kingston and the urban districts of East and West Molesey, Esher and the Dittons, Ham, Surbiton, Barnes, the Maldens and Coombe, and Wimbledon shall consist of thirty-three members, of whom seven shall be appointed by the council of the borough of Kingston, ten by the council of the urban district of Wimbledon, four by each of the councils of the urban districts of Barnes and Surbiton, three by the council of the urban district of Esher and the Dittons, two by each of the councils of the urban districts of East and West Molesey and the Maldens and Coombe, and one by the council of the urban district of Ham.

10. A joint committee may act notwithstanding any vacancy in the committee, and notwithstanding that a council is wholly unrepresented thereon.

11. The Local Government Board may make regulations as to the constitution, term of office, quorum, proceedings, officers, and place of meeting of a joint committee.

12. Subject to the provisions of this schedule the term of office of chairman and of vice-chairman shall be three years, and the term of office of a member of the Board shall be three years.

13. On the first day of June one thousand nine hundred and seven and on the first day of June in every third year thereafter, all the members of the Board shall go out of office, and their places shall be filled by new appointments, to be made at such time as may be prescribed by regulations made by the Local Government Board, but a person going out of office may, if otherwise qualified, be re-appointed.

14. The first business at the first meeting of the Water Board after the first day of June one thousand nine hundred and seven, and at the first meeting after the first day of June in every third year thereafter shall be the new appointment of a chairman and vice-chairman, but a person going out of office may, if otherwise qualified, be re-appointed, and a chairman or vice-chairman shall continue in office until his successor is appointed.

15. If a member of the Water Board is absent from meetings of the Board for more than six months consecutively, except for some reason approved by the Water Board, he shall on the expiration of those months vacate his office, and shall also, if he is the chairman or vice-chairman, vacate his office as chairman or vice-chairman.

16. Where the chairman or vice-chairman or a member of the Water Board becomes disqualified for holding office or vacates his office from absence, or otherwise, the Board shall forthwith declare the office to be vacant, and shall notify the fact in such manner as they think fit, and thereupon the office shall become vacant.

17. On a casual vacancy occurring in the Water Board by reason of the death, resignation, disqualification, or absence of a member, or otherwise, the constituent authority by whom that member was appointed shall appoint another person in his place, and the person so appointed shall hold office until the time when the person in whose place he is appointed would have regularly gone out of office, and shall then go out of office.

18. On a vacancy occurring or being about to

occur in the Water Board the clerk of the Water Board shall immediately give notice of the vacancy to the constituent authority by which the vacancy is to be filled, and on a person being appointed a member of the Water Board the appointing authority shall forthwith give notice of the appointment to the Water Board, or in the case of a first appointment to the Local Government Board.

19. On a casual vacancy occurring in the office of chairman or vice-chairman of the Water Board by reason of the death, resignation, disqualification, or absence of the chairman or vice-chairman, or otherwise, the person appointed in his place shall hold office until the time when the person in whose place he is appointed would regularly have gone out of office and shall then go out of office.

20. At every meeting of the Water Board, the chairman, if present, shall preside. If the chairman is absent, the vice-chairman, if present, shall preside. If both the chairman and vice-chairman are absent, such member of the Board as the members then present choose shall preside.

21. Subject to the provisions of this Act, every question at a meeting of the Water Board shall be decided by a majority of votes of the members present and voting on that question, and in the case of equality of votes, the person presiding at the meeting shall have a second or casting vote.

22. The quorum of the Water Board shall be one-third of the whole number of the Board.

23. The Water Board may appoint, out of their own body, such and so many committees, either of a general or special nature, and consisting of such number of persons as they think fit for any purposes which, in the opinion of the Board, would be better regulated and managed by means of committees, and may delegate, with or without any restrictions or conditions, as they may think fit, any of their powers or duties, except any power of raising money, to any committee of the Board so appointed, and the provisions of section eighty-two of the Local Government Act, 1888, with respect to proceedings of committees of county councils, shall apply to committees of the Water Board, as if they were committees of a county council.

24. A minute of the proceedings of the Water Board, or of a committee thereof, signed at the same or the next ensuing meeting by a member of the Board describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.

25. Until the contrary is proved, every meeting in respect of the proceedings whereof a minute has been so made shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and, where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matter referred to in the minutes.

26. Subject to the provisions of this Act, the Water Board may regulate their own procedure.

27. No act or proceeding of the Water Board shall be questioned on account of any vacancy in their body, or on account of the appointment of any member having been defective.

28. The Local Government Board shall take such steps as may be necessary for constituting the Water Board as soon as may be after the passing of this Act, and for summoning the first meeting of the Water Board and regulating the proceedings thereat, and all authorities and persons shall comply with any instructions issued by the Local Government Board for that purpose, and any expenses incurred by the Local Government Board for the purpose aforesaid shall be repaid to that Board by the Water Board when established.

#### FOURTH SCHEDULE.

1. Within three months after the ascertainment of any compensation to which a metropolitan water company become entitled under this Act, in consideration for the transfer of their undertaking, the directors of the company shall prepare a scheme for the application and distribution thereof. Any such scheme shall provide for the payment and discharge of any liability which, under this Act, is to continue as a liability of the company, or is not otherwise provided for, and may provide for payment of any sum in consideration of loss of office, or in recognition of any special services



rendered to the company. The directors shall send by post a copy of the scheme to each shareholder (which term also includes a stockholder or proprietor) of the company, and for the purposes of this section the persons appearing as shareholders in the books of the company shall be deemed to be shareholders and of the class there appearing, and any document shall be sufficiently sent to any shareholder by being posted to him at the address as appearing in the books of the company.

If within one month after the sending of the copies aforesaid any shareholder or shareholders (the aggregate nominal value of whose shares (which term also includes stock) is not less than twenty thousand pounds, shall, by writing addressed to the secretary of the company, require that the scheme be submitted to a meeting of the shareholders, or (if there are more than one class of shareholders of the company) of the class to which such shareholder or shareholders belong, the directors shall forthwith summon such meeting accordingly, by giving not less than fourteen days' notice thereof by post to each shareholder of the company, or to each shareholder of the class concerned, as the case may be. If a majority in value of the shareholders of a particular class, as the case may be, by resolution passed at such meeting, dissent from such scheme, the directors shall forthwith submit the matter by petition to the Chancery Division of the High Court, and the court shall, after hearing all proper parties, make such order as to the application and distribution of the compensation to which the company are entitled under this Act, as under all the circumstances of the case, and having regard to the various interests of the parties and the nature of such interest, may be considered just and equitable. Any scheme not required to be submitted to a meeting of shareholders, or as to which no such resolution of dissent as aforesaid shall have been passed, and any order of court made hereunder, shall have effect as if the same were enacted by this Act, and shall be binding upon all persons affected thereby.

2. If any part of the compensation is to be discharged to a company in water stock the Water Board shall, if so required by the company, before the stock is issued to the company, instead of issuing to the company the whole of the water stock to be so issued to them issue the water stock to such amounts and to such persons as the company may require, and the issue of water stock in accordance with such requirements shall, to that extent discharge the Water Board of their liability to issue water stock to the company.

If any part of such compensation is to be discharged in cash, the receipt in writing of three directors of the company for any sum in gross to be paid by the Water Board to the company shall effectually discharge the Water Board from the sum expressed in such receipt to have been received and from being concerned to see to the application thereof, and from being answerable or accountable for the loss, misapplication, or non-application thereof.

3. Where any company are unable, after diligent inquiry, to find the person to whom any money is payable or water stock is issuable, or where any money or stock is payable or issuable to a person who or whose committee cannot give an effectual receipt for the same, such company may pay or transfer the same as nearly as may be in manner provided for payment of money into court by any Act for the time being in force for the relief of trustees, and such Act shall apply, with all necessary modifications, to such money or stock.

4. When such scheme has been completely carried out, and all such moneys or stock, if any, as in clause 3 of this schedule referred to, have been paid or transferred into court, the company may apply to the Board of Trade, which, if satisfied that the said time has arrived, shall give a certificate to that effect, and upon publication of such certificate in the London Gazette the company shall be dissolved.

# FIFTH SCHEDULE.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Vict. c. 84.	The Metropolis Water Act, 1852.	Sections fifteen, nineteen, twenty, twenty-one, twenty-two, and twenty-seven, so far as unrepealed.
34 & 35 Vict. c. 113.	The Metropolis Water Act, 1871.	Sections thirty-seven to forty-two and section forty-seven from "or to authorize" to the end of the section.
47 & 48 Vict. c. cxli.	Croydon Corporation Act, 1884.	Sections eleven and twelve.

# CHAPTER 42.

## [Education Act, 1902.]

An Act to make further provision with respect to Education in England and Wales.

[18th December 1902.]

Be it enacted, &c. :

## PART I.

### LOCAL EDUCATION AUTHORITY.

1. *Local education authorities.* For the purposes of this Act the council of every county and of every county borough shall be the local education authority:

Provided that the council of a borough with a population of over ten thousand, or of an urban district with a population of over twenty thousand, shall, as respects that borough or district, be the local education authority for the purpose of Part III. of this Act, and for that purpose as respects that borough or district, the expression "local education authority" means the council of that borough or district.

## PART II.

### HIGHER EDUCATION.

2. *Power to aid higher education.* (1) The local education authority shall consider the educational needs of their area and take such steps as seem to them desirable, after consultation with the Board of Education, to supply or aid the supply of education other than elementary, and to promote the general co-ordination of all forms of education, and for that purpose shall apply all or so much as they deem necessary or the residue under section one of the Local Taxation (Customs and Excise) Act, 1890 [53 & 54 Vict. c. 60], and shall carry forward for the like purpose any balance thereof which may remain unexpended, and may spend such further sums as they think fit: Provided that the amount raised by the council of a county for the purpose in any year out of rates under this Act shall not exceed the amount which would be produced by a rate of twopence in the pound, or such higher rate as the county council, with the consent of the Local Government Board, may fix.

(2) A council, in exercising their powers under this Part of this Act, shall have regard to any existing supply of efficient schools or colleges, and to any steps already taken for the purposes of higher education under the Technical Instruction Acts, 1889 and 1891 [52 & 53 Vict. c. 76, 54 & 55 Vict. c. 4].

3. *Concurrent powers of smaller boroughs and urban districts.* The council of any non-county borough or urban district shall have power as well as the county council to spend such sums as they think fit for the purpose of supplying or aiding the supply of education other than elementary: Provided that the amount raised by the council of a non-county borough or urban district for the purpose in any year out of rates under this Act shall not exceed the amount which would be produced by a rate of one penny in the pound.

4. *Religious Instruction.* (1) A council, in the application of money under this Part of this Act, shall not require that any particular form of

religious instruction or worship or any religious catechism or formulary which is distinctive of any particular denomination shall or shall not be taught, used, or practised in any school, college, or hostel aided but not provided by the council, and no pupil shall, on the ground of religious belief, be excluded from or placed in an inferior position in any school, college, or hostel provided by the council, and no catechism or formulary distinctive of any particular religious denomination shall be taught in any school, college, or hostel so provided, except in cases where the council, at the request of parents of scholars, at such times and under such conditions as the council think desirable, allow any religious instruction to be given in the school, college, or hostel, otherwise than at the cost of the council: Provided that in the exercise of this power no unfair preference shall be shown to any religious denomination.

(2) In a school or college receiving a grant from, or maintained by, a council under this Part of this Act,

(a) A scholar attending as a day or evening scholar shall not be required, as a condition of being admitted into or remaining in the school or college, to attend or abstain from attending any Sunday school, place of religious worship, religious observance, or instruction in religious subjects in the school or college or elsewhere; and

(b) The times for religious worship or for any lesson on a religious subject shall be conveniently arranged for the purpose of allowing the withdrawal of any such scholar therefrom.

## PART III.

### ELEMENTARY EDUCATION.

5. *Powers and duties as to elementary education.* The local education authority shall throughout their area have the powers and duties of a school board and school attendance committee under the Elementary Education Acts, 1870 to 1900, and any other Acts, including local Acts, and shall also be responsible for and have the control of all secular instruction in public elementary schools not provided by them, and school boards and school attendance committees shall be abolished.

6. *Management of schools.* (1) All public elementary schools provided by the local education authority shall, where the local education authority are the council of a county, have a body of managers consisting of a number of managers not exceeding four appointed by that council, together with a number not exceeding two appointed by the minor local authority.

Where the local education authority are the council of a borough or urban district they may, if they think fit, appoint for any school provided by them a body of managers consisting of such number of managers as they may determine.

(2) All public elementary schools not provided by the local education authority shall, in place of the existing managers, have a body of managers consisting of a number of foundation managers not exceeding four appointed as provided by this Act, together with a number of managers not exceeding two appointed—

(a) where the local education authority are the council of a county, one by that council and one by the minor local authority; and  
(b) where the local education authority are the council of a borough or urban district, both by that authority.

(3) Notwithstanding anything in this section—

(a) Schools may be grouped under one body of managers in manner provided by this Act; and

(b) Where the local education authority consider that the circumstances of any school require a larger body of managers than that provided under this section, that authority may increase the total number of managers, so, however, that the number of each class of managers is proportionately increased.

7. *Maintenance of schools.* The local education authority shall maintain and keep efficient all public elementary schools within their area which are necessary, and have the control of all expenditure required for that purpose, other than expenditure for which, under this Act, provision is to be made by the managers; but in the case of a school

not provided by them, only so long as the following conditions and provisions are complied with:—

- (a) The managers of the school shall carry out any directions of the local education authority as to secular instruction to be given in the school, including any directions with respect to the number and educational qualifications of the teachers to be employed for such instruction, and for the dismissal of any teacher on educational grounds, and if the managers fail to carry out any such direction the local education authority shall, in addition to their other powers, have the power themselves to carry out the direction in question as if they were the managers; but no direction given under this provision shall be such as to interfere with reasonable facilities for religious instruction during school hours;
- (b) The local education authority shall have power to inspect the school;
- (c) The consent of the local education authority shall be required to the appointment of teachers, but that consent shall not be withheld except on educational grounds; and the consent of the authority shall also be required to the dismissal of a teacher unless the dismissal be on grounds connected with the giving of religious instruction in the school;
- (d) The managers of the school shall provide the schoolhouse free of any charge, except for the teacher's dwelling-house (if any), to the local education authority for use as a public elementary school, and shall out of funds provided by them, keep the schoolhouse in good repair, and make such alterations and improvements in the buildings as may be reasonably required by the local education authority; provided that such damage as the local authority consider to be due to fair wear and tear in the use of any room in the schoolhouse for the purpose of a public elementary school shall be made good by the local education authority.
- (e) The managers of the school shall, if the local education authority have no suitable accommodation in schools provided by them, allow that authority to use any room in the school house out of school hours free of charge for any educational purpose, but this obligation shall extend to more than three days in a week.
- (2) The managers of a school maintained but not provided by the local education authority, in respect of the use by them of the school furniture out of school hours, and the local education authority in respect of the use by them of any room in the school house out of school hours, shall be liable to make good any damage caused to the furniture or the room as the case may be, by reason of that use (other than damage arising from fair wear and tear), and the managers shall take care that, after the use of a room in the school house by them, the room is left in a proper condition for school purposes.
- (3) If any question arises under this section between the local education authority and the managers of a school not provided by the authority, that question shall be determined by the Board of Education.
- (4) One of the conditions required to be fulfilled by an elementary school in order to obtain a parliamentary grant shall be that it is maintained under and complies with the provisions of this section.
- (5) In public elementary schools maintained but not provided by the local education authority, assistant teachers and pupil teachers may be appointed, if it is thought fit, without reference to religious creed and denomination, and, in any case in which there are more candidates for the post of pupil teacher than there are places to be filled, the appointment shall be made by the local education authority, and they shall determine the respective qualifications of the candidates by examination or otherwise.
- (6) Religious instruction given in a public elementary school not provided by the local education authority shall, as regards its character, be in accordance with the provisions (if any) of the trust deed relating thereto, and shall be under the control of the managers: Provided that nothing in this sub-section shall affect any provision in a trust deed for reference to the bishop or superior ecclesiastical or other denominational authority so

far as such provision gives to the bishop or authority the power of deciding whether the character of the religious instruction is or is not in accordance with the provisions of the trust deed.

(7) The managers of a school maintained but not provided by the local education authority shall have all powers of management required for the purpose of carrying out this Act, and shall (subject to the powers of the local education authority under this section) have the exclusive power of appointing and dismissing teachers.

**8. Provision of new schools.]** (1) Where the local education authority or any other persons propose to provide a new public elementary school, they shall give public notice of their intention to do so, and the managers of any existing school, or the local education authority (where they are not themselves the persons proposing to provide the school), or any ten ratepayers in the area for which it is proposed to provide the school, may, within three months after the notice is given, appeal to the Board of Education on the ground that the proposed school is not required, or that a school provided by the local education authority, or not so provided, as the case may be, is better suited to meet the wants of the district than the school proposed to be provided, and any school built in contravention to the decision of the Board of Education on such appeal shall be treated as unnecessary.

(2) If, in the opinion of the Board of Education, any enlargement of a public elementary school is such as to amount to the provision of a new school, that enlargement shall be so treated for the purposes of this section.

(3) Any transfer of a public elementary school to or from a local education authority shall for the purposes of this section be treated as the provision of a new school.

**9. Necessity of schools.]** The Board of Education shall, without unnecessary delay, determine, in case of dispute, whether a school is necessary or not, and, in so determining, and also in deciding on any appeal as to the provision of a new school, shall have regard to the interest of secular instruction, to the wishes of parents as to the education of their children, and to the economy of rates; but a school for the time being recognized as a public elementary school shall not be considered unnecessary in which the number of scholars in average attendance, as computed by the Board of Education, is not less than thirty.

**10. Aid Grant.]** (1) In lieu of the grants under the Voluntary Schools Act, 1897 [60 & 61 Vict. c. 5], and under section ninety-seven of the Elementary Education Act, 1870 [33 & 34 Vict. c. 75], as amended by the Elementary Education Act, 1897 [60 & 61 Vict. c. 16], there shall be annually paid to every local education authority, out of moneys provided by Parliament—

- (a) a sum equal to four shillings per scholar; and
- (b) an additional sum of three halfpence per scholar for every complete twopenny per scholar by which the amount which would be produced by a penny rate on the area of the authority falls short of ten shillings a scholar; Provided that, in estimating the produce of a penny rate in the area of a local education authority not being a county borough, the rate shall be calculated upon the county rate basis, which, in cases where part only of a parish is situated in the area of the local education authority, shall be apportioned in such manner as the Board of Education think just.

But if in any year the total amount of parliamentary grants payable to the local education authority would make the amount payable out of other sources by that authority on account of their expenses under this Part of this Act less than the amount which would be produced by a rate of threepence in the pound, the parliamentary grants shall be decreased, and the amount payable out of other sources shall be increased by a sum equal in each case to half the difference.

(2) For the purposes of this section the number of scholars shall be taken to be the number of scholars in average attendance, as computed by the Board of Education, in public elementary schools maintained by the authority.

**11. Foundation managers.]** (1) The foundation managers of a school shall be managers appointed

under the provisions of the trust deed of the school, but if it is shown to the satisfaction of the Board of Education that the provisions of the trust deed as to the appointment of managers are in any respect inconsistent with the provisions of this Act, or insufficient or inapplicable for the purpose, or that there is no such trust deed available, the Board of Education shall make an order under this section for the purpose of meeting the case.

(2) Any such order may be made on the application of the existing owners, trustees, or managers of the school, made within a period of three months after the passing of this Act, and after the period on the application of the local education authority or any other person interested in the management of the school, and any such order where it modifies this trust deed, shall have effect as part of the trust deed, and where there is no trust deed shall have effect as if it were contained in a trust deed.

(3) Notice of any such application, together with a copy of the draft final order proposed to be made thereon, shall be given by the Board of Education to the local education authority and the existing owners, trustees, and managers, and any other persons who appear to the Board of Education to be interested, and the final order shall not be made until six weeks after notice has been so given.

(4) In making an order under this section with regard to any school, the Board of Education shall have regard to the ownership of the school building, and to the principles on which the education given in the school has been conducted in the past.

(5) The Board of Education may, if they think that the circumstances of the case require it, make any interim order on any application under this section to have temporary effect until the final order is made.

(6) The body of managers appointed under this Act for a public elementary school not provided by the local education authority shall be the managers of that school both for the purposes of the Elementary Education Acts, 1870 to 1900, and this Act, and, as far as respects the management of the school as a public elementary school, for the purpose of the trust deed.

(7) Where the receipt by a school, or the trustee or managers of a school, of any endowment or other benefit is, at the time of the passing of this Act, dependent on any qualification of the managers, the qualification of the foundation managers on shall, in case of question, be regarded.

(8) The Board of Education may, on the application of the managers of the school, the local education authority, or any person appearing to them to be interested in the school, revoke, vary, or amend any order made under this section by an order made in a similar manner; but before making any such order the draft thereof shall, as soon as may be, be laid before each House of Parliament, and, if within thirty days, being days on which Parliament has sat, after the draft has been so laid before Parliament, either House resolves that the draft, or any part thereof, should not be proceeded with, no further proceedings shall be taken thereon without prejudice to the making of any new order.

**12. Grouping of schools under one management.]** (1) The local education authority may group under one body of managers any public elementary schools provided by them, and may also, with the consent of the managers of the schools, group under one body of managers any such schools as so provided.

(2) The body of managers of grouped schools shall consist of such number and be appointed in such manner and proportion as, in the case of schools provided by the local education authority, may be determined by that authority, and in the case of schools not so provided, may be agreed upon between the bodies of managers of the schools concerned and the local education authority, or, in default of agreement may be determined by the Board of Education.

(3) Where the local education authority are the council of a county, they shall make provision for the due representation of minor local authorities on the bodies of managers of schools grouped under their direction.

(4) Any arrangement for grouping schools shall be provided by the local education authority unless previously determined by consent of the



parties concerned, remain in force for a period of three years.

**13. Endowments.]** (1) Nothing in this Act shall affect any endowment, or the discretion of any trustees in respect thereof: Provided that, where under the trusts or other provisions affecting any endowment the income thereof must be applied in whole or in part for those purposes of a public elementary school for which provision is to be made by the local education authority, the whole of the income or the part thereof, as the case may be, shall be paid to that authority, and, in case part only of such income must be so applied and there is no provision under the said trusts or provisions for determining the amount which represents that part, that amount shall be determined, in case of difference between the parties concerned, by the Board of Education: but if a public inquiry is demanded by the local education authority, the decision of the Board of Education shall not be given until after such an inquiry, of which ten days' previous notice shall be given to the local education authority and to the minor local authority and to the trustees, shall have been first held by the Board of Education at the cost of the local education authority.

(2) Any money arising from an endowment, and paid to a county council for those purposes of a public elementary school for which provision is to be made by the council, shall be credited by the council in aid of the rate levied for the purposes of this Part of this Act in the parish or parishes which in the opinion of the council are served by the school for the purposes of which the sum is paid, or, if the council so direct, shall be paid to the overseers of the parish or parishes in the proportions directed by the council, and applied by the overseers in aid of the poor rate levied in the parish.

**14. Apportionment of school fees.]** Where before the passing of this Act fees have been charged in any public elementary school not provided by the local education authority, that authority shall, while they continue to allow fees to be charged in respect of that school, pay such proportion of those fees as may be agreed upon, or, in default of agreement, determined by the Board of Education, to the managers.

**15. Schools attached to institutions.]** The local education authority may maintain as a public elementary school under the provisions of this Act, but shall not be required so to maintain, any Marine school, or any school which is part of, or is held in the premises of, any institution in which children are boarded, but their refusal to maintain such a school shall not render the school incapable of receiving a parliamentary grant, nor shall the school, if not so maintained, be subject to the provisions of this Act as to the appointment of managers, or as to control by the local education authority.

**16. Power to enforce duties under Elementary Education Acts.]** If the local education authority fail to fulfil any of their duties under the Elementary Education Acts, 1870 to 1900, or this Act, or fail to provide such additional public school accommodation within the meaning of the Elementary Education Act, 1870 [33 & 34 Vict. c. 75], as is, in the opinion of the Board of Education, necessary in any part of their area, the Board of Education may, after holding a public inquiry, make such order as they think necessary or proper for the purpose of compelling the authority to fulfil their duty, and any such order may be enforced by mandamus.

#### PART IV.

##### GENERAL.

**17. Education committees.]** (1) Any council having powers under this Act shall establish an education committee or education committees, constituted in accordance with a scheme made by the council and approved by the Board of Education: Provided that if a council having powers under Part II. only of this Act determine that an education committee is unnecessary in their case, it shall not be obligatory on them to establish such a committee.

(2) All matters relating to the exercise by the council of their powers under this Act, except the power of raising a rate or borrowing money, shall stand referred to the education committee, and

the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of the education committee with respect to the matter in question. The council may also delegate to the education committee, with or without any restrictions or conditions as they think fit, any of their powers under this Act, except the power of raising a rate or borrowing money.

(4) Every such scheme shall provide—

(a) for the appointment by the council of at least a majority of the committee, and the persons so appointed shall be persons who are members of the council, unless, in the case of a county, the council shall otherwise determine;

(b) for the appointment by the council, on the nomination or recommendation, where it appears desirable, of other bodies (including associations of voluntary schools), of persons of experience in education, and of persons acquainted with the needs of the various kinds of schools in the area for which the council acts;

(c) for the inclusion of women as well as men among the members of the committee;

(d) for the appointment, if desirable, of members of school boards existing at the time of the passing of this Act as members of the first committee.

(1) Any person shall be disqualified for being a member of an education committee, who, by reason of holding an office or place of profit, or having any share or interest in a contract or employment, is disqualified for being a member of the council appointing the education committee, but no such disqualification shall apply to a person by reason only of his holding office in a school or college aided, provided, or maintained by the council.

(5) Any such scheme may, for all or any purposes of this Act, provide for the constitution of a separate education committee for any area within a county, or for a joint education committee for any area formed by a combination of counties, boroughs, or urban districts, or of parts thereof. In the case of any such joint committee it shall suffice that a majority of the members are appointed by the councils of any of the counties, boroughs, or districts out of which or parts of which the area is formed.

(6) Before approving a scheme, the Board of Education shall take such measures as may appear expedient for the purpose of giving publicity to the provisions of the proposed scheme, and before approving any scheme which provides for the appointment of more than one education committee, shall satisfy themselves that due regard is paid to the importance of the general co-ordination of all forms of education.

(7) If a scheme under this section has not been made by a council and approved by the Board of Education within twelve months after the passing of this Act, that Board may, subject to the provisions of this Act, make a provisional order for the purposes for which a scheme might have been made.

(8) Any scheme for establishing an education committee of the council of any county or county borough in Wales or of the county of Monmouth or county borough of Newport shall provide that the county governing body constituted under the Welsh Intermediate Education Act, 1889 [52 & 53 Vict. c. 40], for any such county or county borough shall cease to exist, and shall make such provision as appears necessary or expedient for the transfer of the powers, duties, property, and liabilities of any such body to the local education authority under this Act, and for making the provisions of this section applicable to the exercise by the local education authority of the powers so transferred.

**18. Expenses.]** (1) The expenses of the council under this Act shall, so far as not otherwise provided for, be paid, in the case of the council of a county out of the county fund, and in the case of the council of a borough out of the borough fund or rate, or if no borough rate is levied, out of a separate rate to be made, assessed, and levied in like manner as the borough rate, and in the case of the council of an urban district other than a borough in manner provided by section thirty-three of the Elementary Education Act, 1876 [39 & 40 Vict. c. 79], as respects the expenses mentioned in that section: Provided that—

(a) the county council may, if they think fit (after giving reasonable notice to the overseers of the parish or parishes concerned), charge any expenses incurred by them under this Act with respect to education other than elementary on any parish or parishes which, in the opinion of the council, are served out by the school or college in connexion with which the expenses have been incurred; and

(b) the county council shall not raise any sum on account of their expenses under Part III. of this Act within any borough or urban district the council of which is the local education authority for the purposes of that Part; and

(c) the county council shall charge such portion as they think fit, not being less than one-half or more than three-fourths, of any expenses incurred by them in respect of capital expenditure or rent on account of the provision or improvement of any public elementary school on the parish or parishes which, in the opinion of the council, are served by the school; and

(d) the county council shall raise such portion as they think fit, not being less than one-half or more than three-fourths, of any expenses incurred to meet the liabilities on account of loans or rent of any school board transferred to them, exclusively within the area which formed the school district in respect of which the liability was incurred, so far as it is within their area.

(2) All receipts in respect of any school maintained by a local education authority, including any parliamentary grant, but excluding sums specially applicable for purposes for which provision is to be made by the managers, shall be paid to that authority.

(3) Separate accounts shall be kept by the council of a borough of their receipts and expenditure under this Act, and those accounts shall be made up and audited in like manner and subject to the same provisions as the accounts of a county council, and the enactments relating to the audit of those accounts and to all matters incidental thereto and consequential thereon, including the penal provisions, shall apply in lieu of the provisions of the Municipal Corporations Act, 1882 [45 & 46 Vict. c. 50], relating to accounts and audit.

(4) Where under any local Act the expenses incurred in any borough for the purposes of the Elementary Education Acts, 1870 to 1900, are payable out of some fund or rate other than the borough fund or rate, the expenses of the council of that borough under this Act shall be payable out of that fund or rate instead of out of the borough fund or rate.

(5) Where any receipts or payments of money under this Act are entrusted by the local education authority to any education committee established under this Act, or to the managers of any public elementary school, the accounts of those receipts and payments shall be accounts of the local education authority, but the auditor of those accounts shall have the same powers with respect to managers as he would have if the managers were officers of the local education authority.

**19. Borrowing.]** (1) A council may borrow for the purposes of the Elementary Education Acts, 1870 to 1900, or this Act, in the case of a county council as for the purposes of the Local Government Act, 1888 [51 & 52 Vict. c. 41], and in the case of the council of a county borough, borough, or urban district as for the purposes of the Public Health Acts, but the money borrowed by a county borough, borough, or urban district council shall be borrowed on the security of the fund or rate out of which the expenses of the council under this Act are payable.

(2) Money borrowed under this Act shall not be reckoned as part of the total debt of a county for the purposes of section sixty-nine of the Local Government Act, 1888, or as part of the debt of a county borough, borough, or urban district for the purpose of the limitation on borrowing under subsections two and three of section two hundred and thirty-four of the Public Health Act, 1875 [38 & 39 Vict. c. 55].

**20. Arrangements between councils.]** An authority having powers under this Act—

(a) may make arrangements with the council of any county, borough, district, or parish,

whether a local education authority or not, for the exercise by the council, on such terms and subject to such conditions as may be agreed on, of any powers of the authority in respect of the management of any school or college within the area of the council; and

- (b) if the authority is the council of a non-county borough or urban district may, at any time after the passing of this Act, by agreement with the council of the county, and with the approval of the Board of Education, relinquish in favour of the council of the county any of their powers and duties under this Act, and in that case the powers and duties of the authority so relinquished shall cease, and the area of the authority, if the powers and duties relinquished include powers as to elementary education, shall, as respects those powers, be part of the area of the county council.

**21. Provisional orders and schemes.]** (1) Sections two hundred and ninety-seven and two hundred and ninety-eight of the Public Health Act, 1875 [38 & 39 Vict. c. 55] (which relate to provisional orders), shall apply to any provisional order made under this Act as if it were made under that Act, but references to a local authority shall be construed as references to the authority to whom the order relates, and references to the Local Government Board shall be construed as references to the Board of Education.

(2) Any scheme or provisional order under this Act may contain such incidental or consequential provisions as may appear necessary or expedient.

(3) A scheme under this Act when approved shall have effect as if enacted in this Act, and any such scheme, or any provisional order made for the purposes of such a scheme, may be revoked or altered by a scheme made in like manner and having the same effect as an original scheme.

**22. Provision as to elementary and higher education respectively.]** (1) In this Act and in the Elementary Education Acts the expression "elementary school" shall not include any school carried on as an evening school under the regulations of the Board of Education.

(2) The power to provide instruction under the Elementary Education Acts, 1870 to 1900, shall except where those Acts expressly provide to the contrary, be limited to the provision in a public elementary school of instruction given under the regulations of the Board of Education to scholars who, at the close of the school year, will not be more than sixteen years of age: Provided that the local education authority may, with the consent of the Board of Education, extend those limits in the case of any such school if no suitable higher education is available within a reasonable distance of the school.

(3) The power to supply or aid the supply of education other than elementary includes a power to train teachers, and to supply or aid the supply of any education except where that education is given at a public elementary school.

**23. Miscellaneous provisions.]** (1) The powers of a council under this Act shall include the provision of vehicles or the payment of reasonable travelling expenses for teachers or children attending school or college whenever the council shall consider such provision or payment required by the circumstances of their area or of any part thereof.

(2) The power of a council to supply or aid the supply of education, other than elementary, shall include power to make provision for the purpose outside their area in cases where they consider it expedient to do so in the interests of their area, and shall include power to provide or assist in providing scholarships for, and to pay or assist in paying the fees of, students ordinarily resident in the area of the council at schools or colleges or hostels within or without that area.

(3) The county councillors elected for an electoral division consisting wholly of a borough or urban district whose council are a local education authority for the purpose of Part III. of this Act, or of some part of such a borough or district, shall not vote in respect of any question arising before the county council which relates only to matters under Part III. of this Act.

(4) The amount which would be produced by any rate in the pound shall be estimated for the

purposes of this Act in accordance with regulations made by the Local Government Board.

(5) The Mortmain and Charitable Uses Act, 1888 [51 & 52 Vict. c. 42], and so much of the Mortmain and Charitable Uses Act, 1891 [54 & 55 Vict. c. 73], as requires that land assured by will shall be sold within one year from the death of the testator, shall not apply to any assurance, within the meaning of the said Act of 1888, of land for the purpose of a school house for an elementary school.

(6) A woman is not disqualified, either by sex or marriage, for being on any body of managers or education committee under this Act.

(7) Teachers in a school maintained but not provided by the local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school provided by the authority.

(8) Population for the purposes of this Act shall be calculated according to the census of nineteen hundred and one.

(9) Sub-sections one and five of section eighty-seven of the Local Government Act, 1888 [51 & 52 Vict. c. 41] (which relate to local inquiries), shall apply with respect to any order, consent, sanction, or approval which the Local Government Board are authorized to make or give under this Act.

(10) The Board of Education may, if they think fit, hold a public inquiry for the purpose of the exercise of any of their powers or the performance of any of their duties under this Act, and section seventy-three of the Elementary Education Act, 1870 [33 & 34 Vict. c. 75], shall apply to any public inquiry so held or held under any other provision of this Act.

**24. Interpretation.]** (1) Unless the context otherwise requires, any expression to which a special meaning is attached in the Elementary Education Acts, 1870 to 1900, shall have the same meaning in this Act.

(2) In this Act the expression "minor local authority" means, as respects any school, the council of any borough or urban district, or the parish council or (where there is no parish council) the parish meeting of any parish which appears to the county council to be served by the school. Where the school appears to the county council to serve the area of more than one minor local authority the county council shall make such provision as they think proper for joint appointment of managers by the authorities concerned.

(3) In this Act the expressions "powers," "duty," "property," and "liabilities," shall, unless the context otherwise requires, have the same meanings as in the Local Government Act, 1888 [51 & 52 Vict. c. 41].

(4) In this Act the expression "college" includes any educational institution, whether residential or not.

(5) In this Act, unless the context otherwise requires, the expression "trust deed" includes any instrument regulating the trusts or management of a school or college.

**25. Provisions as to proceedings, transfer, &c., application of enactments and repeal.]** (1) The provisions set out in the First and Second Schedules to this Act relating to education committees and managers, and to the transfer of property and officers, and adjustment, shall have effect for the purpose of carrying the provisions of this Act into effect.

(2) In the application of the Elementary Education Acts, 1870 to 1900, and other provisions referred to in that schedule, the modifications specified in the Third Schedule to this Act shall have effect.

(3) The enactments mentioned in the Fourth Schedule to this Act shall be repealed to the extent specified in the third column of that schedule.

**26. Application of Act to Scilly Islands.]** For the purposes of this Act the Council of the Isles of Scilly shall be the local education authority for the Scilly Islands, and the expenses of the council under this Act shall be general expenses of the Council.

**27. Extent, commencement, and short title.]** (1) This Act shall not extend to Scotland or Ireland, or, except as expressly provided, to London.

(2) This Act shall, except as expressly provided, come into operation on the appointed day, and the

appointed day shall be the twenty-sixth day of March nineteen hundred and three, or such other day, not being more than eighteen months later, as the Board or Education may appoint, and different days may be appointed for different purposes and for different provisions of this Act, and for different councils.

(3) The period during which local authorities may, under the Education Act, 1901 [1 Edw. 7, c. 11], as renewed by the Education Act, 1901 (Renewal) Act, 1902 [2 Edw. 7, c. 19], empower school boards to carry on the work of the schools and classes to which those Acts relate shall be extended to the appointed day, and in the case of London to the twenty-sixth day of March nineteen hundred and four.

(4) This Act may be cited as the Education Act, 1902, and the Elementary Education Acts, 1870 to 1900, and this Act, may be cited as the Education Acts, 1870 to 1902.

## SCHEDULES.

### FIRST SCHEDULE.

#### [Section 25.]

#### PROVISION AS TO EDUCATION COMMITTEES AND MANAGERS.

##### A.—Education Committees.

(1) The council by whom an education committee is established may make regulations as to the quorum, proceedings, and place of meeting of that committee, but, subject to any such regulations, the quorum, proceedings, and place of meeting of the committee shall be such as the committee determine.

(2) The chairman of the education committee at any meeting of the committee shall, in case of an equal division of votes, have a second or casting vote.

(2) The proceedings of an education committee shall not be invalidated by any vacancy among its members or by any defect in the election, appointment, or qualification of any members thereof.

(4) Minutes of the proceedings of an education committee shall be kept in a book provided for that purpose, and a minute of those proceedings, signed at the same or next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting of the committee at which the minute is signed, shall be received in evidence without further proof.

(5) Until the contrary is proved, an education committee shall be deemed to have been duly constituted and to have power to deal with any matters referred to in its minutes.

(6) An education committee may, subject to any directions of the council, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee thinks fit.

##### B.—Managers.

(1) A body of managers may choose their chairman, except in cases where there is an ex-officio chairman, and regulate their quorum and proceedings in such manner as they think fit, subject, in the case of the managers of a school provided by the local education authority, to any directions of that authority.

Provided that the quorum shall not be less than three, or one-third of the whole number of managers, whichever is the greater.

(2) Every question at a meeting of a body of managers shall be determined by a majority of the votes of the managers present and voting on the question, and in case of an equal division of votes the chairman of the meeting shall have a second or casting vote.

(3) The proceedings of a body of managers shall not be invalidated by any vacancy in their number, or by any defect in the election, appointment, or qualification of any managers.

(4) The body of managers of a school provided by the local education authority shall deal with such matters relating to the management of the school, and subject to such conditions and restrictions, as the local education authority determine.

(5) A manager of a school not provided by the local education authority, appointed by that authority or by the minor local authority, shall be removable by the authority by whom he is appointed, any such manager may resign his office,



- (6) The body of managers shall hold a meeting at least once in every three months.
- (7) Any two managers may convene a meeting of the body of managers.
- (8) The minutes of the proceedings of every body of managers shall be kept in a book provided for that purpose.
- (9) A minute of the proceedings of a body of managers, signed at the same or the next ensuing meeting by a person describing himself as, or appearing to be, chairman of the meeting at which the minute is signed, shall be received in evidence without further proof.
- (10) The minutes of a body of managers shall be open to inspection by the local education authority.
- (11) Until the contrary is proved, a body of managers shall be deemed to be duly constituted and to have power to deal with the matters referred to in their minutes.

## SECOND SCHEDULE.

### [Section 25.]

#### PROVISIONS AS TO TRANSFER OF PROPERTY AND OFFICERS, AND ADJUSTMENT.

- (1) The property, powers, rights, and liabilities including any property, powers, rights, and liabilities vested, conferred, or arising under any local Act or any trust deed of any school board or school attendance committee existing at the appointed day shall be transferred to the council exercising the powers of the school board.
- (2) Where, under the provisions of this Act, any council relinquishes its powers and duties in favour of a county council, any property or rights acquired and any liabilities incurred, for the purpose of the performance of the powers and duties relinquished, including any property or rights vested or arising, or any liabilities incurred under any local Act or trust deed, shall be transferred to the county council.
- (3) Any loans transferred to a council under this Act shall, for the purpose of the limitation on the powers of the council to borrow, be treated as money borrowed under this Act.
- (4) Any liability of an urban district council incurred under the Technical Instruction Acts, 1889 and 1891 [52 & 53 Vict. c. 76, 54 & 55 Vict. c. 4], and charged on any fund or rate, shall, by virtue of this Act, become charged on the fund or rate out of which the expenses of the council under this Act are payable, instead of on the first-mentioned fund or rate.
- (5) Section two of this Act shall apply to any balance of the residue under section one of the Local Taxation (Customs and Excise) Act, 1890 [53 & 54 Vict. c. 60], remaining unexpended and unappropriated by any council at the appointed day.
- (6) Where the liabilities of a school board transferred to the local education authority under this Act comprise a liability on account of money advanced by that authority to the school board, the Local Government Board may make such orders as they think fit for providing for the repayment of any debts incurred by the authority for the purposes of those advances within a period fixed by the order, and, in case the money advanced to the school board has been money standing to the credit of any sinking fund or redemption fund or capital money applied under the Local Government Acts, 1888 and 1894 [51 & 52 Vict. c. 41, 56 & 57 Vict. c. 73], or either of them, for the repayment to the proper fund or account of the amount so advanced.
- Any order of the Local Government Board made under this provision shall have effect as is enacted in this Act.
- (7) Where a district council ceases by reason of this Act to be a school authority within the meaning of the Elementary Education (Blind and Deaf Children) Act, 1893 [56 & 57 Vict. c. 42], or the Elementary Education (Defective and Epileptic Children) Act, 1899 [62 & 63 Vict. c. 32], any property or rights acquired and any liabilities incurred under those Acts shall be transferred to the county council, and, notwithstanding anything in this Act, the county council may raise any expenses incurred by them to meet any liability of a school authority under those Acts (whether a district council or not), and transferred to the county council, off the whole of their area, or off

any parish or parishes which in the opinion of the council are served by the school in respect of which the liability has been incurred.

(8) Sections eighty-five to eighty-eight of the Local Government Act, 1894 [56 & 57 Vict. c. 73] (which contain transitory provisions), shall apply with respect to any transfer mentioned in this schedule, subject as follows:

- (a) References to "the appointed day" and to "the passing of this Act" shall be construed, as respects a case of relinquishment of powers and duties, as references to the date on which the relinquishment takes effect; and
- (b) the powers and duties of a school board or school attendance committee which is abolished, or a council which ceases under the provisions of this Act to exercise powers and duties, shall be deemed to be powers and duties transferred under this Act; and
- (c) sub-sections four and five of section eighty-five shall not apply.

(9) The disqualification of any persons who are, at the time of the passing of this Act, members of any council, and who will become disqualified for office in consequence of this Act, shall not, if the council so resolve, take effect until a day fixed by the resolution, not being later than the next ordinary day of retirement of councillors in the case of a county council, the next ordinary day of election of councillors in the case of the council of a borough, and the fifteenth day of April in the year nineteen hundred and four in the case of an urban district council.

(10) No election of members of a school board shall be held after the passing of this Act, and the term of office of members of any school board holding office at the passing of this Act, or appointed to fill casual vacancies after that date, shall continue to the appointed day, and the Board of Education may make orders with respect to any matter which it appears to them necessary or expedient to deal with for the purpose of carrying this provision into effect, and any order so made shall operate as if enacted in this Act.

(11) Where required for the purpose of bringing the accounts of a school to a close before the end of the financial year of the school, or for the purpose of meeting any change consequent on this Act, the Board of Education may calculate any parliamentary grant in respect of any month or other period less than a year, and may pay any parliamentary grant which has accrued before the appointed day at such times and in such manner as they think fit.

(12) Any parliamentary grant payable to a public elementary school not provided by a school board in respect of a period before the appointed day shall be paid to the persons who were managers of the school immediately before that day, and shall be applied by them in payment of the outstanding liabilities on account of the school, and so far as not required for that purpose shall be paid to the persons who are managers of the school for the purposes of this Act and shall be applied by them for the purposes for which provision is to be made under this Act by those managers, or for the benefit of any general fund applicable for those purposes; Provided that the Board of Education may, if they think fit, pay any share of the aid grant under the Voluntary Schools Act, 1897 [60 & 61 Vict. c. 5], allotted to an association of voluntary schools, to the governing body of that association, if such governing body satisfy the Board of Education that proper arrangements have been made for the application of any sum so paid.

(13) Any school which has been provided by a school board or is deemed to have been so provided shall be treated for the purposes of the Elementary Education Acts, 1870 to 1900, and this Act, as a school which has been provided by the local education authority, or which is deemed to have been so provided, as the case may be.

(14) The local education authority shall be entitled to use for the purposes of the school any school furniture and apparatus belonging to the trustees or managers of any public elementary school not provided by a school board, and in use for the purposes of the school before the appointed day.

(15) During the period between the passing of this Act and the appointed day, the managers of any public elementary school, whether provided by a school board or not, and any school attendance

committee, shall furnish to the council, which will on the appointed day become the local education authority, such information as that council may reasonably require.

(16) The officers of any authority whose property, rights, and liabilities are transferred under this Act to any council shall be transferred to and become the officers of that council, but that council may abolish the office of any such officer whose office they deem unnecessary.

(17) Every officer so transferred shall hold his office by the same tenure and on the same terms and conditions as before the transfer, and while performing the same duties shall receive not less salary or remuneration than theretofore, but if any such officer is required to perform duties which are not analogous to or which are an unreasonable addition to those which he is required to perform at the date of the transfer, he may relinquish his office, and any officer who so relinquishes his office, or whose office is abolished, shall be entitled to compensation under this Act.

(18) A council may, if they think fit, take into account continuous service under any school boards or school attendance committees in order to calculate the total period of service of any officer entitled to compensation under this Act.

(19) If an officer of any authority to which the Poor Law Officers' Superannuation Act, 1896 [59 & 60 Vict. c. 50], applies is under this Act transferred to any council, and has made the annual contributions required to be made under that Act, the provisions of that Act shall apply, subject to such modifications as the Local Government Board may by order direct for the purpose of making that Act applicable to the case.

(20) Any local education authority who have established any pension scheme, or scheme for the superannuation of their officers, may admit to the benefit of that scheme any officers transferred under this Act on such terms and conditions as they think fit.

(21) Section one hundred and twenty of the Local Government Act, 1888 [51 & 52 Vict. c. 41], which relates to compensation to existing officers, shall apply as respects officers transferred under this Act, and also (with the necessary modifications) to any other officers who, by virtue of this Act or anything done in pursuance or in consequence of this Act, suffer direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, in like manner as it applies to officers transferred under this Act, subject as follows:—

- (a) any reference in that section to the county council shall include a reference to a borough or urban district council; and
- (b) references in that section to "the passing of this Act" shall be construed as respects a case of relinquishment of powers and duties, as references to the date on which the relinquishment takes effect; and
- (c) any reference to powers transferred shall be construed as a reference to property transferred; and
- (d) any expenses shall be paid out of the fund or rate out of which the expenses of a council under this Act are paid, and, if any compensation is payable otherwise than by way of an annual sum, the payment of that compensation shall be a purpose for which a council may borrow for the purposes of this Act.

(22) Section sixty-eight of the Local Government Act, 1894 [56 & 57 Vict. c. 73] (which relates to adjustment of property and liabilities), shall apply with respect to any adjustment required for the purposes of this Act.

## THIRD SCHEDULE.

### [Section 25.]

#### MODIFICATION OF ACTS, &c.

(1) References to school boards and school districts shall be construed as references to local education authorities and the areas for which they act, except as respects transactions before the appointed day, and except that in paragraph (2) of section nineteen of the Elementary Education Act, 1876 [39 & 40 Vict. c. 79], and in sub-section (1) of section two of the Education Code (1890) Act, 1890 [53 & 54 Vict. c. 22], references to a school district shall, as respects the area of a local education authority being the council of a county, be construed as references to a parish.

(2) References to the school fund or local rate shall be construed as references to the fund or rate out of which the expenses of the local education authority are payable.

(3) In section thirty-eight of the Elementary Education Act, 1876, references to members of a school board shall be construed as references to members of the education committee, or of any sub-committee appointed by that committee for school attendance purposes.

(4) The power of making bye-laws shall (where the local education authority is a county council) include a power of making different bye-laws for different parts of the area of the authority.

(5) The following provision shall have effect in lieu of section five of the Elementary Education Act, 1891 [54 & 55 Vict. c. 56]:

"The duty of a local education authority under the Education Acts, 1870 to 1902, to provide a sufficient amount of public school accommodation shall include the duty to provide a sufficient amount of public school accommodation without payment of fees in every part of their area.

(6) The words "in the opinion of the Board of Education" shall be substituted for the words "in their opinion" in the first paragraph of section eighteen of the Elementary Education Act, 1870 [33 & 34 Vict. c. 75].

(7) Section ninety-nine of the Elementary Education Act, 1870, shall apply to the fulfilment of any conditions, the performance of any duties, and the exercise of any powers under this Act as it

applies to the fulfilment of conditions required in pursuance of that Act to be fulfilled in order to obtain a parliamentary grant.

(8) A reference to the provisions of this Act as to borrowing shall be substituted in section fifteen of the Elementary Education Act, 1876 [36 & 37 Vict. c. 86], for the reference to section 10 of the Elementary Education Act, 1873, and a reference to the Local Government Board shall be substituted for the second reference in that section to the Education Department, and also for the reference to the Education Department in section five of the Elementary Education (Blind and Deaf Children) Act, 1893 [56 & 57 Vict. c. 42].

(9) A reference to the provisions of this Act relating to the enforcement of the performance of the local education authority's duties by mandamus shall be substituted in section two of the Elementary Education Act, 1880 [43 & 44 Vict. c. 23], for the reference to section twenty-seven of the Elementary Education Act, 1876 [39 & 40 Vict. c. 79].

(10) The substitutions for school boards, school districts, school fund, and local rate made by this schedule shall, unless the context otherwise requires, be made in any enactment referring to or applying the Elementary Education Acts, 1870 to 1900, or any of them, so far as the reference or application extends.

(11) References in any enactment or in any provision of a scheme made under the Charitable

Trusts Acts, 1853 to 1894, or the Endowed Schools Acts, 1869 to 1889, or the Elementary Education Acts, 1870 to 1900, to any provisions of the Technical Instruction Acts, 1889 and 1891 [52 & 53 Vict. c. 76, 54 & 55 Vict. c. 4], or either of those Acts shall, unless the context otherwise requires, be construed as references to the provisions of Part II. of this Act, and the provisions of this Act shall apply with respect to any school, college, or hostel established, and to any obligation incurred, under the Technical Instruction Acts, 1889 and 1891, as if the school, college, or hostel had been established or the obligation incurred under Part II. of this Act.

(12) The Local Government Board may, after consultation with the Board of Education, by order make such adaptations in the provisions of any local Act (including any Act to confirm a Provisional Order and any scheme under the Municipal Corporations Act, 1882 [45 & 46 Vict. c. 50], as amended by any subsequent Act) as may seem to them to be necessary to make those provisions conform with the provisions of this Act, and may also in like manner, on the application of any council who have power as to education under the Act and have also powers as to education under any local Act, make such modifications in the local Act as will enable the powers under that Act to be exercised as if they were powers under this Act.

Any order made under this provision shall operate as if enacted in this Act.

## FOURTH SCHEDULE.

[Section 25.]

ENACTMENTS REPEALED.

## PART I.

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict. c. 76 . . . . .	The Technical Instruction Act, 1889.	The whole Act.
53 & 54 Vict. c. 60 . . . . .	The Local Taxation (Customs and Excise) Act, 1890.	In section one, sub-sections two and three.
54 & 55 Vict. c. 4 . . . . .	The Technical Instruction Act, 1891.	The whole Act.

## PART II.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75 . . . . .	The Elementary Education Act, 1870.	Section four; section five except so far as it defines public school accommodation; section six; sections eight to thirteen; sections fifteen and sixteen; sections eighteen from "If at any time" to the end of the section; in section nineteen the words "whether in obedience to any requisition or not"; sections twenty-nine to thirty-four; in section thirty-five the words "a clerk and a treasurer or other" and the words from "but no such appointment" to "member of the board"; sections forty to forty-eight; sections forty-nine to fifty-one; in section fifty-two the words "under the provisions of this Act with respect to the appointment of a body of managers"; sections fifty-three to fifty-six; sections sixty-six; in section sixty-nine the words "in the metropolis" and the words from "appointed under this Act" to "returns under this Act"; in section seventy-three the words "of the school district," the words from "(if any) or if" to "inquiry relates," and the words "or if there is no school board as a debt due from the rating authority"; sections seventy-seven and seventy-nine; sections eighty-seven, eighty-eight, and ninety; section ninety-three; the first proviso to section ninety-seven; the First Schedule; the Second Schedule, except the Third Part; the Third Schedule.
35 & 37 Vict. c. 86 . . . . .	The Elementary Education Act, 1873.	Sections five to twelve; sections seventeen and eighteen; sections twenty-one and twenty-six; the First Schedule; the Second Schedule; the Third Schedule.
37 & 38 Vict. c. 90 . . . . .	The Elementary Education (Orders) Act, 1874.	The whole Act.
39 & 40 Vict. c. 79 . . . . .	The Elementary Education Act, 1876.	Section seven, from "and (2) in every" to "appointing the committee," and the words "and school attendance committee"; in section fifteen the words "not exceeding fifty"; section twenty-one; second twenty-three to "or pay any fees"; section twenty-seven; in section twenty-eight, the words "but subject in the case of a school attendance committee to the approval hereinafter mentioned" and the words "or the officers of the council or guardians by whom the committee are appointed"; sections thirty, thirty-one, thirty-two, thirty-three (except as applied by this Act), and thirty-four; section thirty-six; in section thirty-seven the words "or local authority"; in section thirty-eight the words "or local authority" and "or school attendance committee"; section forty-one, forty-two, forty-three, and forty-four; section forty-nine; the Second Schedule; the Third Schedule.



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Session and Chapter.	Short Title.	Extent of Repeal.
43 & 44 Vict. c. 23 . . .	The Elementary Education Act, 1880.	Section three.
53 & 54 Vict. c. 22 . . .	The Education Code (1890) Act, 1890.	Section one.
54 & 55 Vict. c. 56 . . .	The Elementary Education Act, 1891.	Sections five, six, and seven.
56 & 57 Vict. c. 42 . . .	The Elementary Education (Blind and Deaf Children) Act, 1893.	Section four from "(b) for an area" to the end of the section. Sub-sections (3) and (4) of section five. Section six.
59 & 60 Vict. c. 16 . . .	The Agricultural Rates Act, 1896.	In section seven the words "a school board for a school district which is a parish or," and sub-section (3).
60 & 61 Vict. c. 5 . . .	The Voluntary Schools Act, 1897.	Section one.
60 & 61 Vict. c. 16 . . .	The Elementary Education Act, 1897.	The whole Act.
62 & 63 Vict. c. 31 . . .	The Elementary Education (Defective and Epileptic Children) Act, 1899.	In section six the proviso.
63 & 64 Vict. c. 53 . . .	The Elementary Education Act, 1900.	Section three.

### 3 EDW. 7.

#### CHAPTER I.

##### [Bank Holiday (Ireland) Act, 1903.]

An Act to make provision for a Bank Holiday in Ireland on the seventeenth day of every March. [27th March 1903.]

Be it enacted, &c.:

1. *Bank holiday.*] The provisions of the Bank Holidays Act, 1871 [34 & 35 Vict. c. 17], and the Holidays Extension Act, 1875 [38 & 39 Vict. c. 13], so far as they relate to Ireland, are extended to the seventeenth day of every March when a week day, and, if a Sunday, to the next day following, and this day shall be a bank holiday in Ireland within the meaning of these Acts.

2. *Short title.*] This Act may be cited for all purposes as the Bank Holiday (Ireland) Act, 1903.

#### CHAPTER 2.

##### [Light Locomotives (Ireland) Act, 1903.]

An Act to provide for the Authorisation of Races with Light Locomotives in Ireland. [27th March 1903.]

#### CHAPTER 3.

##### [Consolidation Fund (No. 1) Act, 1903.]

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and two, one thousand nine hundred and three, and one thousand nine hundred and four. [27th March 1903.]

#### CHAPTER 4.

##### [Army (Annual) Act, 1903.]

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army. [30th April 1903.]

Whereas the raising or keeping of a standing army within the United Kingdom of Great Britain and Ireland in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament, that a body of forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of two hundred and thirty-five thousand seven hundred

and sixty-one, including those to be employed at the depôts in the United Kingdom of Great Britain and Ireland for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions:

And whereas it is also judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will be subject to the laws relating to the government of his Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet nevertheless it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law, in their duty, that an exact discipline be observed, and that persons belonging to the said forces who mutiny or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

And whereas the Army Act [44 & 45 Vict. c. 58], will expire in the year one thousand nine hundred and three on the following days:

- In the United Kingdom, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and
- Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, on the thirty-first day of July; and
- Elsewhere, within or without His Majesty's dominions, on the thirty-first day of December:

Be it therefore enacted, &c.

1. *Short title.*] This Act may be cited as the Army (Annual) Act, 1903.

2. *Army Act (44 & 45 Vict. c. 58) to be in force for specified times.*] (1.) The Army Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament (that is to say):

- Within the United Kingdom, the Channel Islands, and the Isle of Man, from the

thirtieth day of April one thousand nine hundred and three to the thirtieth day of April one thousand nine hundred and four, both inclusive; and

- Elsewhere in Europe, inclusive of Malta, also in the West Indies and America, from the thirty-first day of July one thousand nine hundred and three to the thirty-first day of July one thousand nine hundred and four, both inclusive; and

- Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of December one thousand nine hundred and three to the thirty-first day of December one thousand nine hundred and four, both inclusive.

(2) The Army Act while in force, shall apply to persons subject to military law, whether within or without His Majesty's dominions.

(3) A person subject to military law shall not be exempted from the provisions of the Army Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the number herein-before mentioned.

3. *Prices in respect of billeting.*] There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act the prices specified in the schedule to this Act.

#### SCHEDULE.

Accommodation to be provided.	Maximum Price.
Lodging and attendance for soldier where hot meal furnished.	Fourpence per night.
Hot meal as specified in Part I. of the Second Schedule to the Army Act.	One shilling and threepence halfpenny each.
Breakfast as so specified.	One penny halfpenny each.
Where no hot meal furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Fourpence per day.
Ten pounds of oats, twelve pounds of hay, and eight pounds of straw per day for each horse.	One shilling and ninepence per day.
Lodging and attendance for officer.	Two shillings per night.

Note.—An officer shall pay for his food.

## CHAPTER 5.

[Berwickshire County Town Act, 1903.]

An Act to constitute the Town of Duns to be the Head Burgh or County Town of Berwickshire. [30th June 1903]

Be it enacted, &c. :

1. *Constitution of Duns as County Town.* The town of Greenlaw, in the shire of Berwick, shall cease to be the head burgh or county town of the said shire, and the town of Duns in the said shire is hereby constituted and declared to be the head burgh or county town of the shire for the purposes of civil and criminal jurisdiction, and for all other purposes and to all other effects whatsoever.

2. *Repeal of Act of Parliament of Scotland, 9th October, 1696, and 16 & 17 Vict. c. 27.* The Act passed by the Parliament of Scotland held by King William at Edinburgh on the ninth day of October, in the year one thousand six hundred and ninety-six, intitled "An Act declaring the Burgh of Greenlaw the head burgh of the Shire of Berwick," and the Berwickshire Courts Act, 1853, are hereby repealed.

3. *Short title.* This Act may be cited as the Berwickshire County Town Act, 1903.

## CHAPTER 6.

[Naval Forces Act, 1903.]

An Act to provide for the Constitution of a Royal Naval Volunteer Reserve, and a Force of Royal Marine Volunteers, and Otherwise amend the Law relating to His Majesty's Naval Forces. [30th June 1903.]

Be it enacted, &c. :

1. *Power to raise new Volunteer force.* (1.) It shall be lawful for the Admiralty to raise and maintain a force to be called the Royal Naval Volunteer Reserve.

(2.) The provisions of the Royal Naval Reserve (Volunteer) Act, 1899 [22 & 23 Vict. c. 40], as amended by any subsequent enactment, shall apply to the force so raised, subject to the following modifications, namely:—

(i) Section two, section three, the proviso to section five, and section twenty of the Royal Naval Reserve (Volunteer) Act, 1859 (relating to conditions of service), so much of section six as relates to naval pay, and sections nine and ten of that Act (relating to pay and pensions), shall not apply to the force raised under this section:

(ii) The Admiralty may make regulations for carrying into effect the provisions of this section, and in particular for adapting to Volunteers enrolled under this section the provisions of the Volunteer Act, 1863 [26 & 27 Vict. c. 65], which relate to the power of volunteers to quit the corps when not on actual service, and to rules and property of the corps.

2. *Royal Marine Volunteers.* (1) It shall be lawful for the Admiralty to raise and maintain a force of Royal Marine Volunteers, and for that purpose the Admiralty may make regulations as to the enrolment of men to serve in that force.

(2) The volunteers so enrolled shall be subject to the provisions of the enactments for the time being in force relating to volunteers, provided that when subject to military law, the Army Act shall apply to them as it applies to the Royal Marines, and that when called out for actual service or voluntarily serving for training afloat, they shall be available for service beyond the seas.

(3) In the application of the enactments relating to the volunteers to the Royal Marine Volunteers, the Admiralty shall be substituted for a Secretary of State, and the Admiralty may make regulations for adapting these enactments where necessary to the Royal Marine Volunteers.

3. *Payment of volunteers on actual service or when training afloat.* Where a volunteer enrolled under this Act is serving for training afloat or is called out for actual service, he shall be deemed to be serving in His Majesty's naval or marine force within the meaning of the Naval and Marine Pay and Pensions Act, 1865 [28 & 29 Vict. c. 73], as amended by any subsequent enactment, and those enactments shall apply accordingly.

4. *Engagement of non-continuous service men.* (1) Where, after the passing of this Act, a man or boy is entered for non-continuous service in the naval service of His Majesty, he may, if regulations made by the Admiralty so prescribe, be engaged for a period not exceeding twelve years, on the terms that after such number of years' service in the Navy as the regulations prescribe, and as may be specified in his engagement paper, he shall be liable to serve for the residue of the term of his engagement in the Royal Fleet Reserve.

(2) The expression "Royal Fleet Reserve" means the division of the Royal Naval Reserve raised under the Naval Reserve Act, 1900 [63 & 64 Vict. c. 52].

5. *Removal of restriction on numbers of Naval Reserve.* The Royal Naval Reserve and the Royal Fleet Reserve shall consist of such number of men as the Admiralty may determine, and in section one of the Royal Naval Reserve (Volunteer) Act, 1859, the words "not exceeding thirty thousand," and in section one of the Naval Reserve Act, 1900, the words "not exceeding fifteen thousand in number" shall be repealed.

6. *Short title.* This Act may be cited as the Naval Forces Act, 1903.

## CHAPTER 7.

[Coal Mines Regulation Act (1887) Amendment Act, 1903.]

An Act to amend the Coal Mines Regulation Act, 1887. [30th June 1903.]

Be it enacted, &c. :

1. *Amendment of 50 & 51 Vict. c. 58, s. 23 (1.)* From and after the passing of this Act, section twenty-three, sub-section one, of the Coal Mines Regulation Act, 1887, shall be read and construed as if the words following were added thereto at the end of the said sub-section, viz.:

"or unless he has received a diploma in scientific and mining training after a course of study of at least two years at any university, university college, mining school, or other educational institution to be approved of by a Secretary of State, or has taken a degree of any university to be so approved of which includes scientific and mining subjects, and has also had practical experience in a mine for at least three years. The approval of the Secretary of State shall be signified in writing under his hand, and may be given subject to such conditions as he may think fit, and may be revoked at any time."

2. *Short title.* This Act may be cited as the Coal Mines Regulation Act (1887) Amendment Act, 1903.

## CHAPTER 8.

[Finance Act, 1903.]

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year. [30th June 1903.]

Be it enacted, &c. :

## PART I.

## CUSTOMS AND EXCISE.

1. *Duty on grain, &c., to cease.*—(1) On the first day of July nineteen hundred and three the duties on grain and other articles imposed by section one of the Finance Act, 1902 [2 Edw. 7, c. 7], and the drawbacks allowed under that section, shall cease and determine.

(2) On and after the first day of July nineteen hundred and three, the amount of the duties on glucose referred to in section six of the Finance Act, 1902, shall be the same as if that section had not been passed.

(3) The Commissioners of Customs shall have power, and shall be deemed to have had power as from the twenty-fourth day of April nineteen hundred and three, to remit any charge payable under the last paragraph but one in the schedule to the Customs Tariff Act, 1876 [39 & 40 Vict. c. 35], on the delivery of any grain or any of the articles mentioned in the First Schedule to the

Finance Act, 1902, from warehouse for home consumption, and they may return the amount of any such charge paid on or after that date.

(4) If any person proves to the satisfaction of the Commissioners of Customs that he had in his stock or possession at the close of thirtieth day of June nineteen hundred and three:—

(a) any grain or articles on which duty of an aggregate amount of not less than twenty-five pounds has been paid under section one of the Finance Act, 1902; or

(b) any solid or liquid glucose on which an excess duty of an aggregate amount of not less than twenty-five pounds has been paid;

the Commissioners of Customs may remit and pay to that person the amount of the duty so paid, or, in the case of glucose, the amount of the excess duty.

For the purposes of this subsection duty shall be treated as having been paid on an article if it has been paid on any part, ingredient, or material of the article, and "excess duty" means the additional sixpence per hundredweight payable under section six of the Finance Act, 1902.

A person shall not be entitled to any payment under this subsection unless he claims that payment in writing from the Commissioners of Customs before the fourteenth day of July, nineteen hundred and three.

2. *Duty on tea.* The duty of customs now payable on tea shall continue to be charged, levied, and paid, until the first day of August nineteen hundred and four, on the importation thereof into Great Britain or Ireland; that is to say—

Tea, the pound, sixpence.

3. *Continuance of additional customs duty and drawbacks on tobacco, beer, and spirits.* The additional duties of customs on tobacco, beer, and spirits imposed by sections two, three, four, and five of the Finance Act, 1900 [63 & 64 Vict. c. 7] (including the increased duties imposed by section five of that Act), shall continue to be charged, levied, and paid until the first day of August, nineteen hundred and four, and, as regards the period in which any additional drawbacks are allowed under those sections, nineteen hundred and four shall be substituted for nineteen hundred and one.

4. *Continuance of additional excise duties and drawbacks on beer and spirits.* The additional duties of excise on beer and spirits imposed by sections six and seven of the Finance Act, 1900 [63 & 64 Vict. c. 7], shall continue to be charged, levied, and paid until the first day of August, nineteen hundred and four, and, as regards the period in respect of which any additional drawback is allowed under the said section six, nineteen hundred and four shall be substituted for nineteen hundred and one.

## PART II.

## INCOME TAX.

5. *Income tax for 1903-1904.*—(1) Income tax for the year beginning on the sixteenth day of April nineteen hundred and three shall be charged at the rate of elevenpence.

(2) All such enactments relating to income tax as were in force on the fifth day of April nineteen hundred and three shall have full force and effect with respect to the duty of income tax hereby granted.

(3) Section ten of the Customs and Inland Revenue Act, 1883 [46 & 47 Vict. c. 10] (which related to duty on dividends, &c., paid prior to the passing of the Act), shall be applied with respect to the year which commenced on the sixth day of April nineteen hundred and three as it was applied with respect to the year which commenced on the sixth day of April eighteen hundred and eighty-three, and as if it were re-enacted in this Act with the necessary change of date.

## PART III.

## NATIONAL DEBT.

6. *Amount of permanent annual charge for National Debt.* (1) The amount of the permanent annual charge for the National Debt during the current and every subsequent financial year shall be the sum of twenty-seven million pounds, and "twenty-seven" shall be substituted for "twenty-three" in section one of the Sinking Fund Act, 1875 [38 & 39 Vict. c. 45], as amended by subsequent Acts.

(2) Any interest or dividends on any stocks



bonds, or other securities issued under the Acts specified in the First Schedule to this Act shall, notwithstanding anything in section two of the National Debt and Local Loans Act, 1887 [50 & 51 Vict. c. 16], be paid as part of the permanent annual charge for the National Debt.

PART IV.

GENERAL.

7. *Repeal, construction, and short title.*—(1) The Acts specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

(2) Part I. of this Act so far as relates to duties of customs shall be construed together with the Customs Consolidation Act, 1876 [39 & 40 Vict. c. 36], and the Acts amending that Act, and so far as it relates to duties of excise shall be construed together with the Acts which relate to the duties of excise and the management of those duties.

(3) This Act may be cited as the Finance Act, 1903.

FIRST SCHEDULE.

ACTS CREATING WAR DEBT.

63 Vict. sess. 2. c. 2	- The Treasury Bills Act, 1899.
63 & 64 Vict. c. 2	- The War Loan Act, 1900.
63 & 64 Vict. c. 61	- The Supplemental War Loan Act, 1900.
64 Vict. sess. 2. c. 1	- The Supplemental War Loan (No. 2) Act, 1900.
1 Edw. 7. c. 12	- The Loan Act, 1901.
2 Edw. 7. c. 4	- The Loan Act, 1902.

SECOND SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
62 & 63 Vict. c. 9.	The Finance Act, 1899.	Section sixteen.
63 & 64 Vict. c. 2.	The War Loan Act, 1900.	In section three, the words "but the principal and interest and other sums so charged shall not be payable as part of the permanent annual charge for the National Debt."
2 Edw. 7. c. 7.	The Finance Act, 1902.	Sections one, six, and the First and Second Schedules as from the first day of July nineteen hundred and three.

CHAPTER 9.

[County Councils (Bill in Parliament) Act, 1903.]

An Act to empower County Councils to promote Bills in Parliament.

[21st July 1903.]

Be it enacted, &c. :

1. *Power to county council to promote Bills in Parliament.*—(1) The powers conferred by section fifteen of the Local Government Act, 1888 [51 & 52 Vict. c. 41], on the council of a county to oppose Bills in Parliament shall be extended so as to authorise them to promote Bills as well as to oppose them.

(2) The county council may determine that any expenses incurred in pursuance of section fifteen of the Local Government Act, 1888, as amended by this Act, are to be regarded as incurred for special county purposes, but any such determination shall be forthwith notified to the overseers of any parish liable to be assessed in pursuance of such determination, and shall be subject to appeal, within twenty-one days, at the instance of the overseers of any parish so liable, to the Local Government Board, whose decision shall be final.

(3) For the purpose of deciding any such appeal, subsections (1) and (5) of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply.

(4) The powers conferred by this section shall be in addition to, and not in derogation of, any powers possessed by the London County Council.

(5) Proviso (b) to section fifteen of the Local Government Act, 1888, which relates to the promotion of Bills in Parliament by a county council, is hereby repealed.

2. *Amendment of Local Government (Scotland) Act, 1889.* Notwithstanding any provision to the contrary therein contained, the powers conferred on the council of a county in Scotland by section fifty-six of the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50], as read with subsection (1) of section eleven of the Private Legislation Procedure (Scotland) Act, 1899 [62 & 63 Vict. c. 47], shall be extended so as to authorise such council to promote Provisional Orders or Bills under or in pursuance of the last-mentioned Act as well as to oppose them. Section one of this Act shall not apply to Scotland.

3. *Short title and commencement.*—(1) This Act may be cited as the County Councils (Bills in Parliament) Act, 1903.

(2) It shall come into operation on the first day of October nineteen hundred and three.

CHAPTER 10.

[Education (Provision of Working Balances) Act, 1903.]

An Act to provide for the borrowing by Local Education Authorities for certain purposes.

[21st July 1903.]

Be it enacted, &c. :

1. *Provision of working balances by borrowing.* A local education authority may, with the consent or sanction of the Local Government Board, borrow under section nineteen of the Education Act, 1902 [2 Edw. 7. c. 42], or in such other manner as that Board may approve, such sums as in the opinion of that Board are required to provide a working balance for carrying that Act into effect, and the consent or sanction or approval so given shall be conclusive as to the power of the local education authority to borrow.

2. *Short title.* This Act may be cited as the Education (Provision of Working Balances) Act, 1903.

CHAPTER 11.

Contracts (India Office) Act, 1903.

An Act to remove Doubts as to the Mode of Execution of certain Contracts entered into on behalf of the Secretary of State for India in Council.

[21st July 1903.]

Whereas doubts have arisen as to the proper mode of the execution of certain contracts on behalf of the Secretary of State in Council, and it is expedient that such doubts should be removed :

Be it therefore enacted, &c. :

1. *Definition.* The expression "the Secretary of State" means the Secretary of State in Council of India.

2. *Mode of executing contracts.* Every contract for or relating to the manufacture, sale, purchase, or supply of goods, or for or relating to affreightment or the carriage of goods, or to insurance, may be entered into, made, and signed on behalf of the Secretary of State by any person upon the permanent establishment of the Secretary of State, duly empowered by the Secretary of State in this behalf, subject to such rules and restrictions as the Secretary of State may from time to time prescribe. And contracts so entered into, made, and signed shall be as valid and effectual as if entered into as prescribed by the fifth section of the Government of India Act, 1859 [22 & 23 Vict. c. 41].

3. *Contracts to be laid before the Secretary of State.* Particulars of all contracts so entered into as aforesaid shall be laid before the Secretary of State in such manner and form and within such times as the Secretary of State may from time to time prescribe.

4. *Short title.* This Act may be cited as the Contracts (India Office) Act, 1903.

CHAPTER 12.

[Post Office (Money Orders) Act, 1903.]

An Act to enable the Postmaster-General to issue Postal Orders of the value of Twenty-one Shillings.

[21st July 1903.]

Be it enacted, &c. :

1. *Alteration of maximum amount of postal order.* The maximum amount of an order issued in pursuance of the Post Office (Money Orders) Act, 1880 [43 & 44 Vict. c. 33], as amended by the Post Office (Money Orders) Act, 1883 [46 & 47 Vict. c. 58], shall be twenty-one shillings, and accordingly "twenty-one" shall be substituted for "twenty" in section two of the last-mentioned Act.

2. *Short title.* This Act may be cited as the Post Office (Money Orders) Act, 1903, and may be cited with the Post Office Acts, 1837 to 1898, and may be cited with and shall be construed as one with the Post Office (Money Orders) Acts, 1848 to 1883.

CHAPTER 13.

[Elementary Education Amendment Act, 1903.]

An Act to amend the Elementary Education (Defective and Epileptic Children) Act, 1899.

[21st July 1903.]

Be it enacted, &c. :

1. *Amendment of the Elementary Education (Defective and Epileptic Children) Act, 1899.*—(1) Notwithstanding anything contained in the Elementary Education (Defective and Epileptic Children) Act, 1899 [62 & 63 Vict. c. 32, s. 2 (6)], section two (6), the Board of Education may from time to time make rules for certifying any establishment for boarding and lodging defective or epileptic children, although such establishment may be established for boarding and lodging more than fifteen defective or epileptic children in one building, or may comprise more than four such buildings.

(2) All rules made in pursuance of this Act shall be laid before both Houses of Parliament within three weeks after the same have been made, if Parliament be then sitting, or, if Parliament be not then sitting, within three weeks of the session then next ensuing, and, if any such rules are disapproved of by either House of Parliament within thirty days after the same have been so laid before Parliament, such rules, or such part thereof as may be so disapproved, shall thereupon become void and of no effect.

2. *Short title.* This Act may be cited as the Elementary Education Amendment Act, 1903.

CHAPTER 14.

[Borough Funds Act, 1903.]

An Act to amend the Borough Funds Act, 1872.

[11th August 1903.]

Be it enacted, &c. :

1. *Expense of promoting Bills.* No expense in relation to the promotion of a Bill in Parliament shall be charged by the council of a borough or urban district under the Borough Funds Act, 1872 [35 & 36 Vict. c. 91], unless the requirements contained in the First Schedule to this Act have been observed.

2. *Withdrawal of Bill, or part, in case of adverse poll.*—(1) If the result of a poll under this Act, or the decision of a meeting of electors when final, is against the promotion of the Bill, or of a part or parts, or clause or clauses, of the Bill, the council shall forthwith take all necessary steps to withdraw the Bill, or the part or parts, or clause or clauses (as the case may be), against which the poll has resulted or the decision of the meeting has been given.

(2) In the case of equality of votes on any question of promotion, that question shall be deemed to be decided against the promotion.

3. *Expense when Bill is withdrawn.* Where a



Bill, or a part or parts, or clause or clauses of a Bill, is or are withdrawn, no further expense shall be incurred by the council, or mayor or chairman, in or about the promotion of the Bill, or part or parts, or clause or clauses, so withdrawn, but, subject as aforesaid all costs, charges, and expenses incurred by the council, or mayor or chairman, in or as incidental to the preparation and promotion of the Bill up to and inclusive of its deposit in Parliament and withdrawal (if withdrawn), and in or as incidental to the holding of a meeting or the taking of a poll under this Act, shall, when taxed by a taxing officer of one of the Houses of Parliament, and allowed under the Borough Funds Act, 1872 [35 & 36 Vict. c. 91], be charged on and payable out of such one or more of the public funds or rates under the control of the council (and, if more than one, then in such proportions) as the council, having regard to the nature and objects of the Bill, may determine to be just and proper.

**4. Saving for special Acts.]** Nothing in this Act shall extend or be construed to alter or affect any special provision in any local Act for the payment of the costs, charges, and expenses in relation to the promotion by any council of a Bill in Parliament, or to take away or diminish any rights or powers now possessed or enjoyed by any council, or which are or shall be vested in or exercisable by the inhabitants of the district of any council under any general or special Act, but the council may, if they think fit, adopt with respect to the promotion of any Bill the procedure provided by this Act in lieu of that provided by their local Act.

**5. Offences in relation to polls.]** (1.) Any person who at, or for the purposes of, a poll under this Act—

- (i) fraudulently signs or forges any signature to a requisition of electors under this Act; or
- (ii) applies for a voting paper in the name of some other person, whether that name be the name of a person living or dead, or of a fictitious person; or
- (iii) having voted once, applies for a second voting paper in his own name; or
- (iv) forges or counterfeits, or fraudulently defaces or fraudulently destroys any voting paper; or
- (v) without due authority supplies a voting paper to any person; or
- (vi) fraudulently puts into any box or other receptacle any paper other than a voting paper supplied to him for the purpose; or
- (vii) fraudulently takes out of the polling station any voting paper; or
- (viii) without due authority destroys, takes, opens, or otherwise interferes with any box or other receptacle for voting papers or any voting papers then in use; or
- (ix) causes any disturbance or disorder in or near any polling station;

shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) An attempt to commit any offence specified in this section shall be punishable in the manner in which the offence is punishable.

**6. Non-compliance with procedure.]** The failure to comply with the requirements of this Act as to notices or the time within which anything is to be done, or the procedure at a meeting of electors or the mode of taking a poll, shall not render invalid the charge under the Borough Funds Act, 1872, or this Act of any expenses in relation to the promotion of a Bill, if the provisions of this Act have been substantially complied with and the failure has not affected the result of the proceedings under this Act.

**7. Expenses of opposing Bills.]**—(1) The provision contained in section four of the Borough Funds Act, 1872, that no expense in opposing a Bill in Parliament shall be charged unless the opposition has had the consent of the owners and ratepayers of the district, shall cease to apply.

(2) In section one of the Railway and Canal Traffic (Provisional Orders) Amendment Act, 1891 [54 Vict. c. 12], references to the Borough Funds Act shall be construed and have effect as references

to the Borough Funds Act, 1872, as amended by this Act.

**8. Transfer to Local Government Board of certain powers of Secretary of State.]** The powers conferred upon the Secretary of State by the Borough Funds Act, 1872, or by virtue of any extension or application of that Act, shall be transferred to and exercised by the Local Government Board.

**9. Definitions.]** For the purposes of this Act, the expression "council" includes the council of every borough and of every urban district, the expression "borough" includes a metropolitan borough, and the expression "electors" means the parochial electors for the time being enrolled in the register of parochial electors in force for the parishes in a borough or urban district, and the expression "the mayor or chairman" means the mayor of the borough or the chairman of the urban district council.

**10. Repeals.]** The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

**11. Extent of Act.]** This Act shall not extend to Scotland or Ireland.

**12. Short title and commencement.]**—(1) This Act may be cited as the Borough Funds Act, 1903, and the Borough Funds Act, 1872, and this Act may be cited together as the Borough Funds Acts, 1872 and 1903.

(2) This Act shall come into operation on the first day of October nineteen hundred and three.

## SCHEDULES.

### FIRST SCHEDULE.

#### REGULATIONS FOR MEETING AND POLLING OF ELECTORS.

(1) Where the council of a borough or urban district have resolved, in accordance with the provisions of the Borough Funds Act, 1872 [35 & 36 Vict. c. 91], to promote a Bill in Parliament, and the Bill has been deposited, notice shall be given by placards and by advertisement in some local newspaper circulating in the borough or district in two successive weeks stating—

- (a) the title of the Bill; and
- (b) a brief statement of the objects of the Bill;
- (c) that the Bill has been deposited, and the date on which it was first deposited in either House; and
- (d) that copies of the Bill may be inspected and purchased at a place within the borough or district specified in the notice, between the hours of ten in the forenoon and five in the afternoon, on every week day for fourteen days after the date of the first advertisement, and that extracts may be taken free of charge; and
- (e) That a public meeting of electors will be held on a day named, not being less than fourteen nor more than twenty-eight days after the first advertisement of the notice, for the purpose of considering the question of the promotion of the Bill, and indicating the resolutions which will be submitted to the meeting.

(2) The first advertisement under these regulations must be made within seven days from the first deposit of the Bill in either House, and the placards giving notice under these regulations must be posted within the same time.

(3) A public meeting of electors shall be held in accordance with the notice, and the mayor or chairman, or, in the event of his being unable or unwilling to preside, any person appointed by the council to perform that duty, shall be president of the meeting; but, if neither the mayor or chairman, nor the person so appointed, is present within ten minutes after the time appointed for the meeting, the meeting shall choose an elector present at the meeting to be president of the meeting.

(4) The president of the meeting may, with the consent of the majority of the electors present, adjourn the meeting for not more than seven days.

(5) On opening any such meeting the president of the meeting, or a member or officer of the council, shall give such explanation of the Bill with reference to which the meeting is held as he thinks expedient.

(6) (a) The question of the promotion of the Bill shall be put by the president to the meeting either by a single resolution in favour of the promotion of the whole Bill, or by separate resolutions in favour of the promotion of any part or parts or clause or clauses of the Bill, but together covering the promotion of the whole Bill, and the meeting shall decide for or against any such resolution.

(b) The president shall explain to the meeting the resolution or resolutions he proposes to put to the meeting, and the question of the promotion of the Bill shall be put in the manner proposed;

Provided that, if, before any such resolution is put, the meeting decide to request the president to put separately any resolution or resolutions in favour of the promotion of any part or parts or clause or clauses of the Bill not proposed by him to be put separately, he shall put such further or other resolution or resolutions to the meeting as will, consistently with the provisions of this schedule, give effect to that request.

(7) Unless a poll is required in manner provided by this schedule, with respect to any resolution for promotion put to the meeting, the decision of the meeting on that resolution, as declared by the president of the meeting, shall be final.

(8) A poll may be required with respect to any such resolution by not less than one hundred electors, or one-twentieth in number of the electors, whichever may be the less, and, if the decision of the meeting on the resolution is against the resolution, by the council.

(9) A requisition for a poll by electors must be in writing signed by the persons making it, and must be delivered to the mayor or chairman within seven days after the date of the meeting, or any adjournment thereof.

(10) A requisition for a poll by the council must be authorised by a resolution of the council, and a copy of the resolution must be delivered to the mayor or chairman within seven days after the meeting or any adjournment thereof. Provided that, if the regulations governing the meetings of the council do not permit of an ordinary meeting of the council being held within the said seven days, the time for the delivery of a copy of the resolution shall be within three days after the date on which an ordinary meeting of the council can first be held subsequently to the date of the meeting of the electors or any adjournment thereof.

(11) The mayor or chairman shall proceed to take the opinion by poll of the electors on the resolution to which any requisition relates, unless a poll is rendered unnecessary by the withdrawal of the requisition for a poll or by a resolution of the council withdrawing the Bill, or the part or parts or clause or clauses to which the resolution with reference to which the poll is required relates.

(12) The polls on any number of resolutions may be taken at the same time and by means of the same voting paper.

(13) The mayor or chairman shall count, or cause to be counted, the votes given at a poll under this schedule, and shall as soon as practicable declare the result.

(14) The decision of the mayor or chairman on any question arising in respect of any voting paper shall be final.

(15) Where the mayor or chairman is unable or unwilling to perform any duty or do any act or thing with respect to a poll under this schedule, the council shall appoint some other person to perform the duty or do such act or thing.

(16) Subject to the provisions of this schedule the poll shall be taken in accordance with such regulations as may be prescribed by the Local Government Board, and the Local Government Board may prescribe forms for requisitions, voting papers, notices, and other documents under this schedule, and those forms, or forms to the like effect, shall be used.

SECOND SCHEDULE.

ENACTMENTS REPEALED AS TO ENGLAND.

Session and Chapter.	Short Title.	Extent of Repeal
56 & 57 Vict. c. 91.	The Borough Funds Act, 1872.	In section four, the words from "Provided further" to the end of the section. In section five, the words "or one of Her Majesty's principal Secretaries of State, as the case may be," and the words "or Secretary of State." In section six, the words "by one of Her Majesty's principal Secretaries of State, or," and the words "as the case may be." In section seven, the words "or one of Her Majesty's principal Secretaries of State." In section eleven the words "or the metropolitan area as defined by the Metropolitan Management Act, 1855."

CHAPTER 15.

[*Local Government (Transfer of Powers) Act*, 1903.]

An Act to amend section ten of the Local Government Act, 1888.

[11th August 1903.]

Be it enacted, &c. :

1. *Construction of 51 & 52 Vict. c. 41, s. 10.*—(1) Section ten of the Local Government Act, 1888, in so far as it authorises the transfer to county councils of certain powers, duties, and liabilities of Government Departments, shall be construed as authorising the transfer by Provisional Order of all or any of these powers, duties, or liabilities to the council of a particular county or county borough, as well as to such councils generally.

(2) A Provisional Order shall not be made under this section except on the application of the council of a county or county borough.

(3) Where the Local Government Board propose to make a Provisional Order under this section, transferring any power, duty, or liability to the council of a county or county borough, the Board shall give notice to all local authorities who, in the opinion of the Board, are likely to be affected by the transfer, and if, within such time as the Board prescribe, a majority of those authorities notify to the Board that they object to any such proposed transfer, the order shall not be proceeded with so far as relates to that transfer, but without prejudice to the power of the Board to propose a new Order.

(4) For the purposes of this Act, the expression "local authorities" means the following local authorities, namely, the council of a borough or other urban district, a rural district council, a board of guardians, a metropolitan borough council, and the Common Council of the City of London.

2. *Short title.* This Act may be cited as the Local Government (Transfer of Powers) Act, 1903.

CHAPTER 16.

[*Public Offices Site (Dublin) Act*, 1903.]

An Act for the acquisition of certain land in Dublin as a site for a proposed Royal College of Science and other offices and buildings for the public service, and for purposes connected therewith.

[11th August 1903.]

CHAPTER 17.

[*Metropolitan Streets Act*, 1903.]

An Act to amend the Metropolitan Streets Act, 1867.

[11th August 1903.]

Be it enacted, &c. :

1. *Regulation of street collections.* The power to make regulations conferred by section eleven of the Metropolitan Streets Act, 1867 [30 & 31 Vict. c. 134], shall extend to the making of regulations to be observed by all persons within the general limits of that Act with respect to the places where and the conditions under which persons may collect money in any street for charitable or other purposes.

2. *Short title and construction.* This Act may be cited as the Metropolitan Streets Act, 1903, and shall be construed as one with the Metropolitan Streets Act, 1867 [30 & 31 Vict. c. 134], the Metropolitan Streets Act Amendment Act, 1867 [31 & 32 Vict. c. 5], and the Metropolitan Streets Act, 1885 [48 & 49 Vict. c. 18]; and those Acts and this Act may be cited together as the Metropolitan Streets Acts, 1867 to 1903.

CHAPTER 18.

[*Pistols Act*, 1903.]

An Act to regulate the sale and use of Pistols or other Firearms.

[11th August 1903.]

Be it enacted, &c. :

1. *Short title.* This Act may be cited as the Pistols Act, 1903.

2. *Definition of terms.* In this Act the term "pistol" means a firearm or other weapon of any description from which any shot, bullet, or other missile can be discharged, and of which the length of barrel, not including any revolving detachable or magazine breach, does not exceed nine inches.

The term "gun or game licence" means a licence to use or carry a gun granted under the Gun Licence Act, 1870 [33 & 34 Vict. c. 57], or a licence or certificate to kill game granted under the laws of excise in that behalf.

The term "antique pistol" shall not include any pistol with which ammunition is sold, or which there is reasonable ground for believing is capable of being effectually used.

3. *Sale or hire of pistols.* It shall be unlawful to sell by retail, or by auction, or let on hire a pistol to any person, unless at the time of sale or hire such person either produces a gun or game licence then in force, or gives reasonable proof that he is a person entitled to use or carry a gun without a gun or game licence by virtue of section seven of the Gun Licence Act, 1870, or that, being a householder, he purposes to use such pistol only in his own house or the curtilage thereof, or that he is about to proceed abroad for a period of not less than six months, and produces a statement to that effect, signed by himself and by a police officer of the district within which he resides, of rank not lower than that of inspector, or by himself and by a justice of the peace.

Every person who sells by retail or lets on hire a pistol shall, before delivery, make, or cause to be made, an entry in a book to be kept for that purpose, specifying the description of the pistol, whether single barrel, magazine, revolver, pin, rim, or centre fire, sold or let on hire, the date of such sale or hire, the name and address of the purchaser or hirer, and the office from which the gun or game licence produced by the purchaser was issued, the date of such licence, or the circumstances exempting such purchaser or hirer from having such licence. Such book must be produced for inspection on the request of any officer of police, or any officer of Inland Revenue.

If any person :—

(a) Contravenes any of the foregoing provisions of this section ; or

(b) On the sale, purchase, or hire of a pistol knowingly makes, or causes to be made, any false entry or statement as to any matter concerning which he is required by this section to make an entry or statement,

he shall be liable to a penalty not exceeding five pounds.

4. *Persons under eighteen years.* Any person who being under the age of eighteen years, and not being exempt by virtue of section seven of the Gun Licence Act, 1870, from incurring a penalty for using or carrying a gun without a gun or game licence, buys, hires, uses, or carries a pistol, shall be liable to a penalty not exceeding forty shillings, and any person who knowingly sells or delivers a pistol to any person under such age, and not being so exempt, shall be liable to a penalty not exceeding five pounds.

The court may make such order as to the forfeiture or disposal of any pistol found in the possession of a person being under the age of eighteen years, and liable to a penalty under this Act as to the court may seem fit.

5. *Sale of pistols to insane or intoxicated person.* Any person who shall knowingly sell a pistol to any person who is intoxicated or is not of sound mind shall be liable to a penalty not exceeding twenty-five pounds, or to be imprisoned with or without hard labour for a period not exceeding three months.

6. *Proceedings in court of summary jurisdiction.* Any offence against this Act may be prosecuted, and any fine in respect thereof may be recovered, and any summary order under this Act may be made, in manner provided by the Summary Jurisdiction Acts.

7. *Legal proceedings in Scotland.* For the purposes of the application of this Act to Scotland any offence against this Act may be prosecuted, and any fine in respect thereof may be recovered, and any summary order under this Act may be made in manner provided by the Summary Jurisdiction (Scotland) Acts.

8. *Pistols as curiosities or ornaments.* The provisions of this Act shall not apply where an antique pistol is sold as a curiosity or ornament.

9. *Extent of Act.* This Act shall not apply to Ireland.

CHAPTER 19.

[*Poor Law (Disruption of School Districts and Adjustments) Act*, 1903.]

An Act to give power to dissolve School Districts formed under the Acts relating to the relief of the poor, and for facilitating adjustments on alterations of areas or authorities under those Acts.

[11th August 1903.]

Be it enacted, &c. :

1. *Power to dissolve school districts.* Section one of the Metropolitan Poor Amendment Act, 1869 [32 & 33 Vict. c. 63] (which relates to the dissolution of school districts), shall extend to all school districts formed under section forty of the Poor Law Amendment Act, 1844 [7 & 8 Vict. c. 101], whether contained wholly or partly in the metropolis or not.

2. *Adjustments on alteration of areas or authorities.* (1) Agreements may be made by any boards of guardians or other authorities affected by the alteration under this Act, or under any Act relating to the relief of the poor, of any areas or authorities, for the adjustment of any property income, debts, liabilities, and expenses, so far as they are affected by the alteration, and section sixty-two of the Local Government Act, 1888 [51 & 52 Vict. c. 41], shall apply with respect to any such adjustment with the modifications specified in the First Schedule to this Act.

(2) The making of any agreements and the carrying out of any agreements or awards made in pursuance of this section shall be a purpose for which persons shall continue in office under section one of the Dissolved Boards of Management and Guardians Act, 1870 [33 & 34 Vict. c. 2].



3. *Repeal.*] The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

4. *Short title.*] This Act may be cited as the Poor Law (Dissolution of School Districts and Adjustments) Act, 1903.

## SCHEDULES.

## FIRST SCHEDULE.

MODIFICATIONS OF SECTION 62 OF THE LOCAL GOVERNMENT ACT, 1888.

1. Sub-section one shall have effect as if the following provision were added thereto:—

"Where any guardians or managers are interested, any agreement for the joint use of any property shall be subject to the approval of the Local Government Board."

2. Sub-section five shall be construed as if the words "any fund which in pursuance of the Acts relating to the relief of the poor would be or might be made available for defraying the like expenditure" were substituted for the words "the county or borough fund."

3. The following provision shall be substituted for sub-section six, so far as respects guardians or managers:—

"(6) Where any guardians or managers are interested, the payment of any capital sum by those guardians or managers shall be a purpose for which they may borrow under the Acts relating to the relief of the poor, and any such sum may be borrowed without the consent of any authority, so that it be repaid within such period as the Local Government Board sanction," and sub-section seven shall have effect as if the word "council" included any guardians, managers, or other authority.

4. The section shall have effect as if the following provisions were added thereto:—

"(8) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment under this Act that a separate rate should be levied in part of a parish only, the agreement or award may authorise the making of such a separate rate as if it were a poor rate, and as if the part of the parish on which it is to be levied were a whole parish."

"(9) Any councils or other authorities shall have power to dispose of any property in the manner provided for by any agreement or award under this Act, without any authority or direction from the Local Government Board, except as expressly provided in this schedule."

"(10) For the purpose of giving effect to any adjustment, the Local Government Board may alter any certificate given by them under the Local Government Act, 1888, as respects the sums payable by county or county borough councils to guardians."

## SECOND SCHEDULE.

## ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
4 & 5 Will. c. 76.	The Poor Law Amendment Act, 1834.	Section thirty-two, from the words "provided always," where they first occur, to "entitled thereto, as the case may be."
7 & 8 Vict. c. 101.	The Poor Law Amendment Act, 1844.	Section forty-six, from "and in case of any addition" to the end of the section.
31 & 32 Vict. c. 122.	The Poor Law Amendment Act, 1868.	Section twelve.
32 & 33 Vict. c. 63.	The Metropolitan Poor Amendment Act, 1869.	The words "adjust the rights and liabilities of parishes and unions comprised therein, respectively,"

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 2.	The Dissolved Boards of Management and Guardians Act, 1870.	and " in section one, and section four, from "and they shall" to the end of the section.
39 & 40 Vict. c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	Section seven, so far as it empowers the Local Government Board by order to direct the payment of any instalment, or interest on, any loan, as therein mentioned.
45 & 46 Vict. c. 58.	The Divided Parishes and Poor Law Amendment Act, 1882.	Section eleven. Section eight, from the beginning of the section to "order; and"
		Sections nine, ten, and eleven.

## CHAPTER 20.

## [Patriotic Fund Reorganisation Act, 1903.]

An Act to reorganise the Administration of the Patriotic Fund. [11th August 1903.]

Be it enacted, &c.:

1. *Incorporation of Royal Patriotic Fund.*—(1) There shall be established a Royal Patriotic Fund Corporation, which shall be a body corporate by that name, with perpetual succession and a common seal, and power to acquire and hold lands without licence in mortmain.

(2) The constitution, rights, powers, and duties of the Corporation shall be determined in accordance with the First Schedule to this Act.

2. *Objects of Corporation.*] The property of the Corporation shall, subject to any special trust relating to any part thereof, be administered by the Corporation for the benefit of the widows, children, and dependents of officers and men of the naval and military forces of the Crown.

3. *Transfer of administration of Patriotic Fund to Corporation.*—(1) The Patriotic Fund Commission is hereby dissolved, and the property, rights, duties, and liabilities thereof, and all property held in trust therefor, are hereby transferred to and vested in the Royal Patriotic Fund Corporation.

(2) The officers and clerks in the service of the Patriotic Fund Commission shall be transferred and attached to the Royal Patriotic Fund Corporation: Provided that such persons shall not by reason of the transfer be in any worse position legally in respect of their salaries, tenure of office, or superannuation allowances than they would have been if this Act had not passed.

(3) References in any deed, will, or other instrument to the Patriotic Fund Commission shall, unless a contrary intention appears, be construed as references to the Royal Patriotic Fund Corporation.

4. *Repeal.*] The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

5. *Short title and commencement.*—(1) This Act may be cited as the Patriotic Fund Reorganisation Act, 1903.

(2) It shall come into operation on the first day of January nineteen hundred and four.

SCHEDULES.  
FIRST SCHEDULE.

## [Section 1.]

## CONSTITUTION OF CORPORATION.

1. *Constitution of Corporation.*] The Corporation shall consist of the following persons, namely:—

(a) Twelve members nominated by His Majesty by warrant under the sign manual, who shall be appointed for a term of three years, but shall be eligible for re-appointment, and who are referred to as "appointed members."

(b) The lord lieutenants of counties.

(c) The chairman for the time being of every council of a county: Provided that a county council may, if the chairman is unable or unwilling to act, appoint some other person in place of the chairman, to be a member of the Corporation, and any person so appointed shall hold office for one year from the time of his appointment.

(d) Every person for the time being entitled to the style of Lord Mayor, and the mayor for the time being of every county borough in England, Wales, and Ireland.

(e) Every person for the time being entitled to the style of Lord Provost, and the provost for the time being of every royal, Parliamentary or police burgh in Scotland with a population of or exceeding 50,000 according to the census for the time being last taken: provided that any question as to the persons entitled to the style of Lord Provost may be decided by the Secretary for Scotland, and his decision shall be final.

(f) Any number of persons not exceeding seven whom the council of the Corporation may think fit to co-opt as members, each of whom shall have been nominated as the representative of a charitable fund founded for the like purposes as the Corporation.

2. *Filling vacancies.*] If during the three years immediately succeeding the commencement of this Act any vacancy occurs by death, resignation, or otherwise among the appointed members, His Majesty may appoint some person to supply the vacancy, and that person shall hold office until the expiration of the three years.

After the expiration of the three years the appointed members shall be selected as follows: namely, six members shall be appointed by His Majesty by warrant under the sign manual, and the remaining six members shall be co-opted by the general council, and the members so appointed or co-opted shall hold office for a term of three years, but shall be eligible for re-appointment or co-optation by His Majesty or by the council.

Where any vacancy occurs by death, resignation, effluxion of time, or otherwise in the office of any member so appointed or co-opted, the vacancy shall be filled up by appointment by His Majesty, or by co-optation, as the case may be. Any member so appointed or co-opted shall hold office for three years, and shall be eligible for re-appointment or co-optation.

3. *General council.*] The powers and duties of the Corporation shall be exercised and performed by the general council of the corporation, consisting of the whole of the members, and by an executive committee appointed from among the members.

4. *Meetings of council.*] The general council shall meet once at least in every year, and shall also meet when required to meet by a requisition in writing signed by not less than ten members of the Corporation, and seven members shall constitute a quorum of the general council.

5. *President and vice-president.*—(a) One of the members of the Corporation appointed by the Crown shall be nominated by the Crown as president of the council.

(b) The chairman of the executive committee shall be elected by the committee and shall be the vice-president of the council.

6. *Executive committee.*] The executive committee shall consist of not less than twelve nor more than twenty members of the Corporation, of whom three shall constitute a quorum. Four members in the first instance, and thereafter one member of the committee, shall be appointed by the Treasury, two by the First Lord of the Admiralty, two by the Secretary of State for War, and the remaining members shall be appointed by the general council.

7. *Functions of the executive committee.*] The business and affairs of the Corporation shall be conducted by the executive committee under the control of the general council, who may make general rules for, or give special directions to, the committee, but subject to any such rules or directions the committee shall regulate their own



procedure. General rules made by the council may provide for the formation of local committees for purposes connected with the fund (the members of which need not be members of the Corporation), and may regulate the functions of those committees, and may provide for other matters incidental to the due conduct of the business of the Corporation.

8. *Treasurer of Corporation.*—The Paymaster-General shall be the treasurer of the Corporation, and he shall keep such accounts on behalf of the Corporation as the Treasury may from time to time direct.

9. *Deposit of securities in Bank of England.* All securities belonging to the Corporation shall be deposited in the Bank of England for the credit and at the disposal of the Corporation, and all interest and dividends accruing on such securities shall from time to time be received by the Bank of England, and shall be carried by them to the cash account of the Paymaster-General in their books.

10. *Proceeds of sale to be carried to account of Paymaster-General.* On the sale at any time under the authority of the Corporation of any annuities, stocks, funds, or securities standing to their account in the books of the Bank of England, and of any securities belonging to the Corporation deposited with the Bank of England, the proceeds of the sales shall be received by the Bank, and shall be carried by them to the cash account of the Paymaster-General in their books.

11. *Audit of accounts.* The accounts of the receipts and expenditure of the Corporation shall be audited in such manner and by such persons as the Treasury may from time to time direct.

12. *Secretary, clerks, &c.* The Corporation may employ a secretary, clerks, and servants at salaries, and the said salaries and all other proper expense of the Corporation shall be paid out of the funds at the disposal of the Corporation.

13. *Superannuation fund.* The general council may establish a scheme of pensions for persons in the permanent employment of the Corporation, and for that purpose may create a superannuation fund, one half of which shall be furnished by contributions from the beneficiaries, and the other half of which shall be furnished from the funds at the disposal of the Corporation.

14. *Power to receive subscriptions.* The Corporation may from time to time solicit and receive contributions from the public and donations of property for the purposes of the Corporation, and may also receive any such sums as may be granted by Parliament.

15. *Annual report of Corporation.* The Corporation shall in each year make a report of their proceedings to His Majesty.

## SECOND SCHEDULE.

### [Section 4.]

#### ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 98.	The Patriotic Fund Act, 1867	The whole Act.
44 & 45 Vict. c. 46.	The Patriotic Fund Act, 1881	The whole Act.
49 & 50 Vict. c. 30.	The Patriotic Fund Act, 1886	The whole Act.
62 & 63 Vict. c. 45.	The Patriotic Fund Act, 1899	The whole Act.

## CHAPTER 21.

### [*Sugar Convention Act*, 1903.]

An Act to make provision for giving effect to a Convention signed the Fifth day of March Nineteen hundred and two, in relation to Sugar. [11th August 1903.]

Whereas His Majesty the King and divers foreign Powers have entered into a Convention signed the fifth day of March, nineteen hundred and two, in relation to sugar; and it is expedient to give effect to that Convention:

And whereas provision is made under Article VII. of the Convention for the establishment of a permanent commission with a permanent bureau

attached to it charged with watching the execution of the provisions of the Convention (in this Act referred to as the Permanent Commission):

Be it therefore enacted, &c.

1. *Powers with respect to bounty-fed sugar.*—(1) Where it is reported by the Permanent Commission that any direct or indirect bounty is granted in any foreign country on the production or export of sugars, His Majesty may, by Order in Council, make a prohibition order, that is to say, an order prohibiting sugar from that foreign country to be imported or brought into the United Kingdom, subject to any provision which may be made by Parliament in lieu of such prohibition to impose a special duty on such sugar in accordance with the Convention.

(2) While a prohibition order is in force the laws relating to Customs shall apply as if the sugar in respect of which the Order is made were specified in the table of prohibitions and restrictions inwards contained in section forty-two of the Customs Consolidation Act, 1876 [39 & 40 Vict. c. 36].

(3) His Majesty may, by Order in Council, make such regulations as appear to him necessary, in relation to any Order under this section, and may by those regulations in particular require the origin of all sugar imported or brought into the United Kingdom, whether in transit or otherwise, to be proved by such certificate or other evidence as may be provided in the Order.

(4) An Order made under this section shall not apply to molasses nor, except as expressly mentioned in this section, to sugar in transit.

(5) Any share of the expenses on account of the organisation and working of the Permanent Commission as determined in pursuance of the Convention, and any expenses incurred in connection with the attendance of delegates at the Commission, shall be paid out of moneys provided by Parliament.

2. *Regulations as to sugar refineries and factories.* His Majesty may, by Order in Council, declare that every sugar factory and sugar refinery and factory for the extraction of sugar from molasses in the United Kingdom shall be subject to the supervision either of the Commissioners of Customs or of the Commissioners of Inland Revenue; and those Commissioners may respectively make regulations—

(a) For prohibiting the carrying on of any such factory or refinery otherwise than by persons authorised, and in premises approved, by the Commissioners and, if required, entered for the purpose; and for giving officers of the Commissioners powers of entry into any part of the premises at any time; and

(b) For securing the payment of duty (including any charge which there is power to make under the law for the time being in force, on the delivery of goods for home consumption), and regulating the time and mode of, and the general arrangements to be made for, that payment, and for preventing any claim to drawback where duty has not been paid, and for regulating the removal of any sugar to or from the premises, the storage of finished sugar, and the return of sugar for the purpose of further refinement; and

(c) For making such entries in relation to the various processes in the manufacture of sugar as may be required by the Commissioners, and for enabling the officers of the Commissioners to inspect those entries; and

(d) For applying any provisions of the laws of Customs (including the Manufactured Tobacco Act, 1863 [26 & 27 Vict. c. 7]), or of the laws of Excise; and

(e) For attaching penalties not exceeding fifty pounds to any breach of or failure to comply with any regulation made under this section, and providing for the recovery and application of the penalty, and for the forfeiture of any article in respect of which any offence against the regulations is committed;

and the duties payable under the Finance Act, 1901, or any Act amending that Act, shall be taken on the delivery of any article from the factory or refinery, and shall be the same as those payable on the like articles on importation.

3. *Revocation of orders and savings.*—(1) His Majesty may by Order in Council revoke, alter, or add to any Order in Council made under this Act.

(2) Nothing in this Act shall apply to glucose.

4. *Short title.* This Act may be cited as the Sugar Convention Act, 1903.

## CHAPTER 22.

### [*Naval Works Act*, 1903.]

An Act to make further provision for the construction of works in the United Kingdom and elsewhere for the purposes of the Royal Navy. [11th August 1903.]

## CHAPTER 23.

### [*Ireland Development Grant Act*, 1903.]

An Act to provide for a Special Grant to be used for the purposes of the Development of Ireland. [11th August 1903.]

## CHAPTER 24.

### [*Education (London) Act*, 1903.]

An Act to extend and adapt the Education Act, 1902, to London. [14th August 1903.]

Be it enacted, &c.:

1. *Application of Education Act, 1902, to London.* The Education Act, 1902 (in this Act referred to as the principal Act), shall, so far as applicable, and subject to the provisions of this Act, apply to London.

2. *Provisions as to management and sites of provided schools.*—(1) Every public elementary school provided by the local education authority within the area of any metropolitan borough shall have a body of managers. The number of those managers and the manner in which schools, in cases where it is desirable, should be grouped under one body of managers shall be determined by the council of each borough, after consultation with the local education authority, and subject to the approval of the Board of Education.

Two-thirds of every such body shall be appointed by the borough council and one-third by the local education authority; but due regard shall be had in selecting managers to the inclusion of women in the proportion of not less than one-third of the whole body of managers, and, in the case of the first body of managers, also of members chosen from the then existing bodies of managers, and the borough council and the local education authority shall carry out any directions given by the Board of Education for the purpose of giving effect to this provision.

(2) The site of any new public elementary school to be provided by the local education authority shall not be determined upon until after consultation with the council of the metropolitan borough in which the proposed site is situated, and in the case of compulsory purchase, if the council of the metropolitan borough does not concur in the proposed compulsory acquisition, the Board of Education shall not make the order authorising the purchase unless they are satisfied that the concurrence of the council of the borough should be dispensed with: Provided that, except in the case of compulsory acquisition, the site required for the enlargement of a public elementary school shall not be deemed to be a site required for a new public elementary school within the meaning of this sub-section.

(3) Schools provided by the local education authority for blind, deaf, epileptic and defective children, and any other schools which, in the opinion of the Board of Education, are not of a local character, shall not be treated for the purposes of this section as public elementary schools.

3. *Boundary schools.*—(1) As from the passing of this Act, any public elementary school provided by the London School Board before the passing of this Act, which is wholly or partly situated outside the county of London, shall, for the purposes of this Act, be treated as, and for the purposes of the principal Act be deemed to have been, wholly situated within the county of London and within the nearest metropolitan borough.

(2) Any public elementary school provided by the local education authority which is situated partly in one metropolitan borough and partly in

another shall, for the purposes of this Act, be deemed to be situated in such one of those boroughs as the local education authority determine.

**4. Modification of principal Act and interpretation.]**

(1) The modifications of the principal Act set out in the First Schedule to this Act shall have effect for the purposes of this Act.

(2) The expression "metropolitan borough" in this Act shall include the City, and the expression "council of a metropolitan borough" shall include the mayor, aldermen, and commons of the City of London in common council assembled.

**5. Commencement, repeal, and short title.]—(1)**

This Act shall, except as expressly provided, come into operation on the appointed day, and the appointed day shall be the first day of May nineteen hundred and four, or such other day, not being more than twelve months later, as the Board of Education may appoint, and different days may be appointed for different purposes and for different provisions of this Act.

(2) In addition to the repeals effected by the principal Act, the Acts mentioned in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

(3) This Act may be cited as the Education (London) Act, 1903; and the Education Acts, 1870 to 1902, and this Act may be cited as the Education Acts, 1870 to 1903.

**SCHEDULES.**

**FIRST SCHEDULE.**

**[Section 4.]**

**MODIFICATIONS OF THE PRINCIPAL ACT.**

1. References in the principal Act to the council of a borough shall not be construed as references to the council of a metropolitan borough, except—

(a) in paragraph (a) of section twenty (relating to arrangements between councils) and in sub-section two of section twenty-four (relating to interpretation); and

(b) as respects the borough of Woolwich, so far as is necessary to enable the council of that borough to make any contribution which they are authorised to make under section nineteen of the Local Government Act, 1899.

2. The provisions of section two of the principal Act, as to limit of rate, shall not apply.

3. Sub-section one of section six of the principal Act (relating to the management of schools), and so much of section twelve of that Act (relating to the grouping of schools under one management) as relates to public elementary schools provided by the local education authority, shall not apply.

4. The provisions to sub-section one of section eighteen of the principal Act (relating to expenses), and sub-section two of section thirteen of that Act (relating to endowments), shall not apply, but the Board of Education may, on the application of the Trustees of the endowment, or of the local education authority, direct that any money which would be payable under the said section thirteen to the county council shall be applied in manner provided by a scheme made by the Board if the Board consider that it is expedient to make such a scheme. In any such scheme, due regard shall primarily be had to the interests of the locality for which the benefits of the endowment were intended.

5. The words "a county council" in section nineteen of the principal Act (which relates to borrowing) shall, as respects borrowing by the local education authority, be construed as if they were "the London County Council."

6. Section twenty-seven of the principal Act (relating to extent, commencement, and short title) shall not apply except so far as sub-section three of that section is already applicable to London, and the words "the appointed day" shall be substituted for "the twenty-sixth day of March nineteen hundred and four" in that sub-section.

7. Where the London County Council delegate to their education committee any powers, and the acts and proceedings of the committee as respects the exercise of those powers are not required to be submitted to the council for their approval, sub-section one of section two hundred and thirty-three of the Municipal Corporations Act, 1882 (which provides for the inspection and the taking of copies of minutes) shall apply to the minutes of the committee relating to the exercise of those powers as it applies to the minutes of the council.

8. The Treasury shall be substituted for the Local Government Board in paragraph six of the Second Schedule to the principal Act.

9. Where governors or managers are appointed by the local education authority on the governing body of any institution aided by grant from the local education authority, the provisions of the scheme or trust deed of the institution imposing any limit on the number of the members of the governing body, or requiring any qualification for those members, shall not apply as respects such governors or managers.

10. References in the principal Act to the passing of that Act shall be construed as references to the passing of this Act.

11. A manager of a public elementary school provided by the local education authority shall not be appointed for a longer period than three years, but may be re-appointed.

**SECOND SCHEDULE.**

**[Section 5.]**

**ENACTMENTS REPEALED.**

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 75.	The Elementary Education Act, 1870.	The definition of "metropolis" in section three. Sections thirty-seven, thirty-eight, and thirty-nine. Section fifty-eight. The Third Part of the Second Schedule, and the Fifth Schedule. Section sixteen.
36 & 37 Vict. c. 86.	The Elementary Education Act, 1873.	
48 & 49 Vict. c. 38.	The School Boards Act, 1885.	Section two.

**CHAPTER 25.**

**[Licensing (Scotland) Act, 1903.]**

An Act to consolidate with Amendments the Laws relating to Licensing in Scotland.

[14th August 1903.]

**CHAPTER 26.**

**[Marriages Legalization Act, 1903.]**

An Act to render valid Marriages heretofore solemnized at the Ellerker Chapel-of-Ease, Brantingham, and at the Churches of Saint Mark, Marske-in-Cleveland, All Saints, Brightwaltham (otherwise Brightwalton), and Saint Mary, Great Ilford, and at the Old Baptist Union Chapel, Grays Thurrock, and Marriages solemnized after banns published at the Mission Room in the parish of Marrick.

[14th August 1903.]

Whereas the Ellerker Chapel-of-Ease, in the parish of Brantingham, in the county and diocese of York, was rebuilt and consecrated for the performance of divine service in the year eighteen hundred and forty-four, but does not appear to have been licensed by the bishop of the said diocese or otherwise for the publication of banns and the solemnization of marriages therein:

And whereas the church of Saint Mark, in the parish of Marske-in-Cleveland, in the county and diocese of York, was built and consecrated in the year eighteen hundred and sixty-seven and the church of All Saints in the parish of Brightwaltham (otherwise Brightwalton), in the county of Berkshire and diocese of Oxford, was built and consecrated in the year eighteen hundred and sixty-three, and in each case the church so built was intended to be substituted for the ancient parish church of the parish, but it does not appear that any deed of substitution was executed at the time:

And whereas by a deed of substitution dated the twenty-fourth of April nineteen hundred and two, the church of Saint Clement, Great Ilford, in the county of Essex and diocese of Saint Alban's, was substituted as the parish church for the old parish church of Saint Mary, and the latter church thereby ceased to be one in which marriages could legally be solemnized until again licensed by the bishop:

And whereas divers marriages have nevertheless been solemnized in the said chapel and churches respectively:

And whereas in the years nineteen hundred and one and nineteen hundred and two certain marriages were solemnized in the Old Baptist Union Chapel at Grays Thurrock, in the district of Orsett, in the county of Essex, and the said chapel was not registered by the Registrar-General pursuant to the Marriages Act, 1836 [6 & 7 Will. 4, c. 85]:

And whereas since the month of September in the year eighteen hundred and ninety-three certain banns have been published in the Mission Room of the parish of Marrick in the North Riding of the county of York and in the diocese of Ripon, and certain marriages have been solemnized after those banns, but that Mission Room was not licensed for the publication of banns:

And whereas it is expedient under the circumstances aforesaid to remove all doubts touching the validity of the marriages so solemnized:

Be it therefore enacted, &c.:

1. *Validation of certain marriages heretofore solemnized.*—(1) All banns of matrimony and marriages published and solemnized before the passing of this Act in the said Ellerker Chapel-of-Ease and in the said churches of Saint Mark, Marske-in-Cleveland, All Saints, Brightwaltham (otherwise Brightwalton), and Saint Mary, Great Ilford, shall be as valid as if they had been published and solemnized in a church duly consecrated and licensed for marriages.

(2) All marriages solemnized in the said Old Baptist Union Chapel at Grays Thurrock, in the district of Orsett, in the county of Essex, during the years aforesaid, shall be as valid as if the said chapel had been duly registered in accordance with the provisions of the above recited Act before the solemnization of those marriages.

(3) All banns published in the said Mission Room in the parish of Marrick since the month of September in the year eighteen hundred and ninety-three, and all marriages solemnized after those banns, shall be as valid as if the Mission Room had been duly licensed for the publication of banns.

(4) A minister who has solemnized any marriage to which this section refers shall not be liable to any proceedings for penalties whatsoever, or to any ecclesiastical censure, by reason of having solemnized the marriage.

(5) The register of the marriages so solemnized, or copies of the register, shall be received in all courts as evidence of those marriages in the same manner as registers of marriages duly solemnized, or copies thereof, are by law receivable evidence.

2. *Short title.* This Act may be cited as the Marriages Legalization Act, 1903.

**CHAPTER 27.**

**[South African Loan and War Contribution Act, 1903.]**

An Act to authorize the Treasury to guarantee the payment of a Loan to be raised by the Transvaal, and to provide for the application of any sums paid by that Colony or the Orange River Colony towards the expenses incurred by His Majesty's Government in or incidental to the prosecution of the late war in South Africa.

[14th August 1903.]

Be it enacted, &c.:

1. *Power to Treasury to guarantee loans.*—(1) The Treasury may, subject to the provisions of this Act, guarantee in such manner as they think fit the payment of the interest at a rate not exceeding three per cent. per annum on any loan raised by the Transvaal for the purposes set out in the schedule to this Act, not exceeding in the aggregate an amount sufficient to raise thirty-five million pounds, and also the sinking fund pay-



ments for the repayment of the principal of the loan as fixed in accordance with this Act.

(2) A guarantee shall not be given in pursuance of this Act until the Government of the Transvaal have provided to the satisfaction of the Treasury and the Secretary of State—

(a) for raising, appropriating, and duly applying the loan for the purposes and in the manner set out in the schedule to this Act, subject to any arrangements which may be made for the application of savings on one head of expenditure to another head of expenditure;

(b) for the establishment and regulation of a sinking fund for the purpose of the repayment within a period not exceeding fifty years from the first day of April nineteen hundred and four of the principal of the loan;

(c) for charging on the general revenues and assets of the colony, or on any other revenues or assets which may be made available for the purpose, with priority over any charges not existing at the date of the passing of this Act, the principal and interest of the loan and any sinking fund payments for the repayment of the principal of the loan;

(d) for charging on the general revenues and assets of the colony immediately after the last-mentioned charge the repayment to the Treasury of any sum issued out of the Consolidated Fund under this Act on account of the guarantee of the loan, with interest thereon at the rate of four per cent. per annum.

(e) for raising or securing the raising of sufficient money to meet the above charges.

(3) If any loan guaranteed under this Act is raised by stock, to which the Colonial Stock Act, 1877 [40 & 41 Vict. c. 59], applies, section nineteen of that Act shall not apply.

(4) Every Act or ordinance of the Legislature of the Transvaal which in any way impairs the validity or priority of any such charge shall, so far as it impairs the same, be void unless the consent of the Treasury and the Secretary of State has been previously obtained.

(5) Any sums required by the Treasury for fulfilling their guarantee given under this Act shall be charged on and issued out of the Consolidated Fund or the growing produce thereof, and any sums paid on account of the repayment of any amount so issued out of the Consolidated Fund shall be paid into the Exchequer.

(6) The Treasury shall lay before both Houses of Parliament a statement of any guarantee given under this Act, and an account of any sums issued out of the Consolidated Fund for the purpose of any such guarantee as soon as may be after any guarantee is so given or any sum is so issued.

## 2. Application of contribution towards war expenses.]

(1)—Any sums repaid to His Majesty's Government by the Transvaal out of the loan guaranteed under this Act on account of temporary advances made on behalf of that colony or the Orange River Colony during the late war shall, up to an amount of three million pounds, be paid into the Exchequer, and as to the balance be paid to the National Debt Commissioners and applied by them towards the discharge of any Exchequer bonds or Treasury bills falling due during the financial year ending the thirty-first of March nineteen hundred and four.

(2) Any sums paid by the Transvaal as a contribution in respect of the expenses incurred by His Majesty's Government in or incidental to the prosecution of the South African war, and any sums paid for a similar purpose by the Orange River Colony shall be paid to the National Debt Commissioners and applied by them in paying off, as occasion requires, any securities issued under the War Loan Act, 1900, or the Supplemental War Loan Act, 1900, or the Supplemental War Loan (No. 2) Act, 1900, or otherwise in reduction of debt.

(3) The National Debt Commissioners may invest temporarily any sums paid to them under this section which are not immediately required for the purpose for which they are to be applied.

3. *Short title.*] This Act may be cited as the South African Loan and War Contribution Act, 1903.

## SCHEDULE.

I. Existing Liabilities :		£	£
A. Deficit of the Transvaal of 1901-2 ... ..		1,500,000	
B. Former debt of the South African Republic ...		2,500,000	
C. Compensation by the Transvaal and Orange River Colony to Loyalists in Cape Colony and Natal ...		2,000,000	
			6,000,000
II. Acquisition of Existing Railways in the Transvaal and Orange River Colony ...			14,000,000
III. Repatriation and Compensation in the Transvaal and Orange River Colony :			
A. Advances by way of Loan ...		3,000,000	
B. Other charges ..		2,000,000	
			5,000,000
IV. New development in the Transvaal and Orange River Colony :			
A. New Railways ...		5,000,000	
B. Land Settlement ...		3,000,000	
C. Other Public Works ...		2,000,000	
			10,000,000
Total ... ..			£35,000,000

## CHAPTER 28.

### [Public Works Loans Act, 1903.]

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [14th August 1903.]

Be it enacted, &c. :—

1. *Grants for public works.*—(1) For the purpose of local loans there may be issued by the National Debt Commissioners the following sums, namely :—

(a) For the purpose of loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of seven million pounds;

(b) For the purpose of loans by the Commissioners of Public Works in Ireland any sum or sums not exceeding in the whole the sum of nine hundred thousand pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887 [50 & 51 Vict. c. 16].

2. *Certain debts not to be reckoned as assets of local loans fund.*] Whereas it is expedient that the principal of the several local loans specified in the schedule to this Act should, to the extent specified in the last column of that schedule, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887 [50 & 51 Vict. c. 16]; therefore, the principal of the said loans shall to that extent be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

3. *Remission of certain claims against Port Seton Harbour Commissioners.*] Whereas the Public Works Loan Commissioners in the year eighteen hundred and eighty-two advanced to the Port Seton Harbour Commissioners, on the security of harbour revenues, undertaking, and property, sums amounting to seven thousand pounds towards defraying the cost of works authorized by the Port Seton Harbour Order, 1878, the said loan being repayable with interest at four pounds five shillings per cent. per annum in a period expiring on the eleventh day of November nineteen hundred and thirty-one:

And whereas the interest and instalments of principal due in respect of the loan were duly paid until the eleventh of November eighteen hundred and ninety-three, since which date the income of the harbour has proved insufficient to meet the payments, and there are now due to the Loan Commissioners arrears of interest which amounted on the thirty-first day of March last to one thousand seven hundred and eleven pounds, seventeen shillings and a penny, while the principal outstanding amounts to five thousand five hundred and nine pounds, sixteen shillings, and a penny:

And whereas repairs and improvements to the harbour are needed in order to render the accommodation adequate and safe, and the Harbour Commissioners are unable to raise the money for carrying out such works as long as the said debt remains, and it is therefore expedient that such debt should be remitted:

Therefore the said principal debt of five thousand five hundred and nine pounds, sixteen shillings, and a penny, with all claims for interest thereon, shall be extinguished, and the amount thereof shall be deemed a free grant from Parliament.

4. *Short title.*] This Act may be cited as the Public Works Loans Act, 1903.

## SCHEDULE.

### [Section 2.]

#### PART I.

LOAN BY THE PUBLIC WORKS LOAN COMMISSIONERS.  
Loan under the Harbours and Passing Tolls Act, 1861 (24 & 25 Vict. c. 47).

Name of Borrower.	Amount of Loan.	Amount to be written off.
Port Seton Harbour Commissioners.	£ s. d. 7,000 0 0	£ s. d. 5,509 16 1

#### PART II.

LOANS BY THE COMMISSIONERS OF PUBLIC WORKS, IRELAND.

[Names of Borrowers, &c.]

#### PART III.

LOANS BY THE FISHERY BOARD FOR SCOTLAND.  
Loans under the Crofters' Holdings (Scotland) Act, 1886 (49 & 50 Vict. c. 29).

[Names of Borrowers, &c.]

## CHAPTER 29.

### [Military Works Act, 1903.]

An Act to make further Provision for Defraying the Expenses of certain Military Works and other Military Services. [14th August 1903.]

## CHAPTER 30.

### [Railways (Electrical Power) Act, 1903.]

An Act to facilitate the Introduction and Use of Electrical Power on Railways. [14th August 1903.]

Be it enacted, &c. :

1. *Introduction of electrical power under orders of Board of Trade.*—(1) With the object of facilitating the introduction and use of electrical power on railways the Board of Trade may, upon the application of a railway company, make orders for all or any of the following purposes, namely:

(a) authorizing a railway company to use electricity in addition to or in substitution for any other motive power, and for any other purpose;

(b) authorizing the company to construct and maintain generating stations or other electrical works on any land belonging to the company;

(c) authorizing agreements between the company and any body corporate or other person for the supply to the company of electrical power or the supply to or use by the company of any electrical plant or equipment;



- (d) sanctioning any modification of any working agreement so far as the modification is agreed to between the parties thereto, and is consequential on the introduction or use of electrical power;
- (e) authorizing the company to subscribe to any electrical undertaking which will facilitate the supply of electricity to the company;
- (f) securing the safety of the public;
- (g) authorising the issue of new capital by the company for any of the purposes of this Act;
- (h) any other matters, whether similar to the above or not, which may be considered ancillary to the objects of the order, or expedient for carrying those objects into effect.
- (2) An order made by the Board of Trade under this Act shall, on coming into operation, have effect as if enacted by Parliament.

**2. Acquisition of land for electrical works.**—(1) An order under this Act may contain provisions authorising the acquisition of land by any railway company for the purpose of constructing generating stations or other electrical works, but if power is given by order to acquire the land otherwise than by agreement, the order shall not come into operation, so far as it gives that power, unless confirmed by Parliament, and the Board of Trade may bring in a Bill for confirming the order.

(2) If while a Bill confirming any such order is pending in either House of Parliament a petition is presented against the order, the Bill, so far as it relates to the order, may be referred to a Select Committee, or, if the two Houses of Parliament think fit so to order, to a Joint Committee of those Houses, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills.

**3. Board of Trade inquiries.**—(1) Before making an order under this Act the Board of Trade shall be satisfied that the public notice required by rules made under this Act of the application for the order has been given, and shall consider any objections made by the council of any county, any local authority, or other person to the application in accordance with those rules, and give to those by whom the objection is made an opportunity of being heard, and if after consideration the Board decide that the objection should be upheld, the Board shall not make the order or shall modify the order so as to remove the objection.

(2) The Board of Trade may, if they think fit, hold a local inquiry for the purpose of considering any application for an order under this Act, and the Board of Trade Arbitrations, &c. Act, 1874 [37 & 38 Vict. c. 40], shall apply to any inquiry so held as if—

- (a) the inquiry was held on an application made in pursuance of the special Act; and
- (b) the parties making the application for the order and any person objecting to any such application were parties to the application within the meaning of section three of that Act.

**4. Expenses and fees.**—(1) The Board of Trade may (with the concurrence of the Treasury as to number and remuneration) appoint or employ such persons as appear to them to be required for carrying this Act into effect, and the remuneration of such persons, and any other expenses of the Board of Trade under this Act, shall be defrayed out of moneys provided by Parliament.

(2) There shall be charged in respect of proceedings under this Act before the Board of Trade such fees as may be fixed by the Treasury on the recommendation of the Board of Trade.

**5. Power to Board of Trade to make rules.**—The Board of Trade may make such rules as they think necessary for regulating the notices and advertisements to be given of any application for an order under this Act or otherwise for the purposes of this Act, and any other matter which they think expedient to regulate by rule for the purpose of carrying this Act into effect.

**6. Interpretation, saving, short title, and commencement.**—(1) In this Act the expression "railway company" includes a company or person working a railway under lease or otherwise.

(2) Nothing in this Act shall affect any powers which a railway company may have independently of this Act.

(3) This Act may be cited as the Railways (Electrical Power) Act, 1903.

(4) This Act shall come into operation on the first day of January nineteen hundred and four.

## CHAPTER 31.

### [Board of Agriculture and Fisheries Act, 1903.]

An Act to transfer to the Board of Agriculture powers and duties relating to the Industry of Fishing, and to amend the Board of Agriculture Act, 1889. [14th August 1903.]

Be it enacted, &c.:

**1. Superintendence of Fisheries transferred to Board of Agriculture.**—(1) The Board of Agriculture shall after the commencement of this Act be styled the Board of Agriculture and Fisheries, and references in any Act or document to the Board of Agriculture shall be construed as references to the Board of Agriculture and Fisheries.

(2) The powers and duties of the Board of Trade under the enactments specified in the Schedule to this Act, and under any certificate given or order made in pursuance of any of those enactments, and any powers and duties of the Board of Trade, or any officer of that Board, under any local and personal Act which relates solely to the industry of fishing, shall be transferred to the Board of Agriculture and Fisheries, or, in the case of the powers and duties of any officer, to such officer of the Board of Agriculture and Fisheries as the Board nominate for the purpose.

(3) Section four of the Board of Agriculture Act, 1889 [52 & 53 Vict. c. 30], shall have effect as respects the transfer of any powers and duties of a Government Department which appear to His Majesty to relate to the industry of fishing in the same manner as with respect to powers and duties which appear to His Majesty to relate to agriculture or forestry, and sections two and four of that Act shall be read as if the words "the industry of fishing" were added after the word "agriculture."

(4) Sections nine (transfer of officers) and eleven (construction of Acts and documents) of the Board of Agriculture Act, 1889, shall apply in relation to the powers and duties transferred by or in pursuance of this Act as if they were transferred by or in pursuance of that Act, and as if the date of the commencement of this Act were substituted for the date of the establishment of the Board of Agriculture.

(5) The limitation contained in section thirty-one of the Salmon Fishery Act, 1861 [24 & 25 Vict. c. 109], as to the number and term of office of the inspectors of fisheries shall cease to apply, and those inspectors may be appointed by the Board of Agriculture and Fisheries under section five of the Board of Agriculture Act, 1889.

(6) The Board of Agriculture and Fisheries shall be substituted for the Board of Trade as respects communication and returns in section six of the Sea Fisheries (Scotland) Amendment Act, 1885 [48 & 49 Vict. c. 70].

(7) Where any portion of the sea shore proposed to be comprised in an order under Part III. of the Sea Fisheries Act, 1868 [31 & 32 Vict. c. 45], is under the management of the Board of Trade, the order shall not be made without the consent of that Board, and section forty-six of that Act shall be construed accordingly.

(8) The Merchandise Marks (Prosecutions) Act, 1894 (which relates to the undertaking by the Board of Agriculture of prosecutions under the Merchandise Marks Act, 1887, in certain cases), shall apply to the produce of any fishing industry as it applies to agricultural or horticultural produce.

(9) Sub-section three of section five of the Board of Agriculture Act, 1889, shall apply to expenses incurred by the Board of Agriculture and Fisheries in the execution of any powers and duties transferred by or in pursuance of this Act as it applies to expenses incurred by that Board in the execution of their duties under that Act.

**2. Amendment of 52 & 53 Vict. c. 30.**—(1) Any Order in Council made under section four of the Board of Agriculture Act, 1889, may be varied or revoked by an Order in Council made in accordance with the provisions of that section.

(2) The expression "Secretary" in the Board of

Agriculture Act, 1889, shall include assistant secretary.

**3. Extent, commencement, and short title.**—Nothing in this Act shall transfer or authorize the transfer of any powers or duties exercisable in or in relation to Scotland or any part of the sea adjoining Scotland, except so far as is expressly provided by this Act as respects communications and returns, and except so far as respects the river Esk and its banks and tributaries referred to in section sixty-three of the Salmon Fishery Act, 1865 [28 & 29 Vict. c. 121].

(2) This Act may be cited as the Board of Agriculture and Fisheries Act, 1903, and shall come into operation on the first day of October nineteen hundred and three.

(3) The Board of Agriculture Act, 1889, and this Act may be cited together as the Board of Agriculture and Fisheries Acts, 1889 and 1903.

## SCHEDULE.

ENACTMENTS RELATING TO POWERS AND DUTIES OF THE BOARD OF TRADE TRANSFERRED TO THE BOARD OF AGRICULTURE.

### 1. SALMON AND FRESHWATER FISHERIES ACTS.

24 & 25 Vict. c. 109.	The Salmon Fishery Act, 1851.
26 & 27 Vict. c. 10.	The Salmon Acts Amendment Act, 1863.
28 & 29 Vict. c. 121.	The Salmon Fishery Act, 1865.
33 & 34 Vict. c. 33.	The Salmon Acts Amendment Act, 1870.
36 & 37 Vict. c. 71.	The Salmon Fishery Act, 1873.
39 & 40 Vict. c. 19.	The Salmon Fishery Act, 1876.
39 & 40 Vict. c. 34.	The Elver Fishing Act, 1876.
40 & 41 Vict. c. 65.	The Fisheries (Dynamite) Act, 1877.
41 & 42 Vict. c. 39.	The Freshwater Fisheries Act, 1878.
42 & 43 Vict. c. 26.	The Salmon Fishery Law Amendment Act, 1879.
47 & 48 Vict. c. 11.	The Freshwater Fisheries Act, 1884.
49 & 50 Vict. c. 2.	The Freshwater Fisheries Act, 1886.
49 & 50 Vict. c. 39.	The Salmon and Freshwater Fisheries Act, 1886.
54 & 55 Vict. c. 37.	The Fisheries Act, 1891, Parts III. and IV.
55 & 56 Vict. c. 50.	The Salmon and Freshwater Fisheries Act, 1892.

### 2. NORFOLK AND SUFFOLK FISHERIES.

40 & 41 Vict. c. xlviii.	The Norfolk and Suffolk Fisheries Act, 1877.
59 & 60 Vict. c. 18.	The Fisheries (Norfolk and Suffolk) Act, 1896.

### 3. SEA FISHERIES REGULATION ACTS.

51 & 52 Vict. c. 54.	The Sea Fisheries Regulation Act, 1888.
54 & 55 Vict. c. 37.	The Fisheries Act, 1891, Part II.
57 & 58 Vict. c. 26.	The Sea Fisheries (Shell Fish) Regulation Act, 1894.

### 4. OYSTERS, &c.

29 & 30 Vict. c. cxlv.	The Roach River Oyster Fishery Act, 1866.
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868, Part III.
32 & 33 Vict. c. 31.	The Oyster and Mussel Fisheries Orders Confirmation Act, 1869 (No. 2).
38 & 39 Vict. c. 15.	The Sea Fisheries Act, 1875.
40 & 41 Vict. c. 42.	The Fisheries (Oyster, Crab, and Lobster) Act, 1877.
47 & 48 Vict. c. 27.	The Sea Fisheries Act, 1884.

5. MISCELLANEOUS.

59 & 60 Vict. c. 48.

Sub-section one of section five of the Light Railways Act, 1896, so far as it relates to the industry of fishing.

CHAPTER 32.

[Appropriation Act, 1903.]

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand nine hundred and two, and one thousand nine hundred and four, and to appropriate the Supplies granted in this Session of Parliament.

[14th August 1903.]

CHAPTER 33.

[Burgh Police (Scotland) Act, 1903.]

An Act to amend the Law relating to the Administration of Burghs in Scotland.

[14th August 1903.]

CHAPTER 34.

[Town Councils (Scotland) Act, 1903.]

An Act to amend the Town Councils (Scotland) Act, 1900.

[14th August 1903.]

CHAPTER 35.

[Isle of Man (Customs) Act, 1903.]

An Act to amend the Law with respect to Customs Duties in the Isle of Man.

[14th August 1903.]

CHAPTER 36.

[Motor Car Act, 1903.]

An Act to amend the Locomotives on Highways Act, 1896.

[14th August 1903.]

Be it enacted, &c.:

1. *Reckless driving.*—(1) If any person drives a motor car on a public highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the highway, and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the highway, that person shall be guilty of an offence under this Act.

(2) Any police constable may apprehend without warrant the driver of any car who commits an offence under this section within his view, if he refuses to give his name and address or produce his licence on demand, or if the motor car does not bear the mark or marks of identification.

(3) If the driver of any car who commits an offence under this section refuses to give his name or address, or gives a false name or address, he shall be guilty of an offence under this Act, and it shall be the duty of the owner of the car, if required, to give any information which it is within his power to give, and which may lead to the identification and apprehension of the driver, and if the owner fails to do so he also shall be guilty of an offence under this Act.

2. *Registration of motor cars.*—(1) Every motor car shall be registered with the council of a county or county borough, and every such council shall assign a separate number to every car registered with them.

(2) A mark indicating the registered number of the car and the council with which the car is registered shall be fixed on the car or on a vehicle drawn by the car, or on both, in such manner as the council require in conformity with regulations of the Local Government Board made under this Act.

(3) A fee of twenty shillings shall be charged by the council of a county or county borough on the registration of a car, except in the case of motor cycles, for which the fee shall be five shillings.

(4) If a car is used on a public highway without being registered, or if the mark to be fixed in accordance with this Act is not so fixed, or if, being so fixed, it is in any way obscured or rendered or allowed to become not easily distinguishable, the person driving the car shall be guilty of an offence under this Act, unless, in the case of a prosecution for obscuring a mark or rendering or allowing it to become not easily distinguishable, he proves that he has taken all steps reasonably practicable to prevent the mark being obscured or rendered not easily distinguishable.

Provided that—

(a) A person shall not be liable to a penalty under this section if he proves that he has had no reasonable opportunity of registering the car in accordance with this section, and that the car is being driven on a highway for the purpose of being so registered; and

(b) The council of any county or county borough in which the business premises of any manufacturer of, or dealer in, motor cars are situated, may, on payment of such annual fee, not exceeding three pounds, as the council require, assign to that manufacturer or dealer a general identification mark which may be used for any car on trial after completion, or on trial by an intending purchaser, and a person shall not be liable to a penalty under this section while so using the car if the mark so assigned is fixed upon the car in the manner required by the council in accordance with regulations of the Local Government Board made under this Act.

3. *Licensing of drivers.*—(1) A person shall not drive a motor car in a public highway unless he is licensed for the purpose under this section, and a person shall not employ any person who is not so licensed to drive a motor car.

If any person acts in contravention of this provision he shall be guilty of an offence under this Act.

(2) The council of a county or county borough shall grant a licence to drive a motor car to any person applying for it who resides in that county or county borough on payment of a fee of five shillings, unless the applicant is disqualified under the provisions of this Act.

(3) A licence shall remain in force for a period of twelve months from the date on which it is granted, but shall be renewable, and the same provisions shall apply with respect to the renewal of the licence as apply with respect to the grant of the licence.

(4) A licence must be produced by any person driving a motor car when demanded by a police constable. If any person fails so to produce his licence, he shall be liable, on summary conviction, in respect of each offence to a fine not exceeding five pounds.

(5) Any person under the age of seventeen years shall be disqualified for obtaining a licence (except that a licence limited to driving motor cycles may be granted to a person over the age of fourteen years), and any person who already holds a licence shall be disqualified for obtaining another licence while the licence so held by him is in force.

4. *Suspension of licence and disqualification.*—(1) Any court before whom a person is convicted of an offence under this Act, or of any offence in connection with the driving of a motor car, other than a first or second offence, consisting solely of exceeding any limit of speed fixed under this Act—

(a) may, if the person convicted holds any licence under this Act, suspend that licence for such time as the court thinks fit, and, if the court thinks fit, also declare the person convicted disqualified for obtaining a licence for such further time after the expiration of the licence as the court thinks fit; and

(b) may, if the person convicted does not hold any licence under this Act, declare him disqualified for obtaining a licence for such time as the court thinks fit; and

(c) if the person convicted holds any licence under this Act, shall cause particulars of the conviction and of any order of the court made under this section, to be endorsed upon any licence held by him, and shall also cause a copy of these particulars to be sent to the council

by whom any licence so endorsed has been granted.

(2) Any person so convicted, if he holds any licence under this Act, shall produce the licence within a reasonable time for the purposes of endorsement, and if he fails to do so shall be guilty of an offence under this Act.

(3) A licence so suspended by the court shall during the term of suspension be of no effect, and a person whose licence is suspended or who is declared by the court to be disqualified for obtaining a licence shall during the period of suspension or disqualification be disqualified for obtaining a licence.

(4) Any person who is by virtue of an order of the court under this section disqualified for obtaining a licence may appeal against the order in the same manner as a person may appeal who is ordered to be imprisoned without the option of a fine; and the court may, if they think fit, pending the appeal, defer the operation of the order.

(5) If any person, who under the provisions of this Act is disqualified for obtaining a licence, applies for or obtains a licence while he is so disqualified, or if any person whose licence has been endorsed applies for or obtains a licence without giving particulars of the endorsement, that person shall be guilty of an offence under this Act, and any licence so obtained shall be of no effect.

5. *Forgery, &c., of identification mark or licence.*—If any person forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any mark for identifying a car or any licence under this Act he shall be guilty of an offence under this Act.

6. *Duty to stop in case of accident.*—A person driving a motor car shall, in any case, if an accident occurs to any person, whether on foot, on horseback, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of the motor car on the road, stop, and, if required, give his name and address, and also the name and address of the owner and the registration mark or number of the car; and if any person knowingly acts in contravention of this section, he shall be liable, on summary conviction, in respect of the first offence to a fine not exceeding ten pounds, and in respect of the second offence to a fine not exceeding twenty pounds, and in respect of any subsequent offence to a fine not exceeding twenty pounds, or, in the discretion of the court, to a term of imprisonment not exceeding one month.

7. *Regulations by Local Government Board.*—(1) The Local Government Board may, under section six of the Locomotives on Highways Act, 1896 [59 & 60 Vict. c. 36] (in this Act referred to as the principal Act), make regulations—

(a) providing generally for facilitating the identification of motor cars, and in particular for determining, and regulating generally the size, shape, and character of the identifying marks to be fixed under this Act, and the mode in which they are to be fixed and to be rendered easily distinguishable whether by night or by day, and with respect to the registration of cars, and the entry of particulars, including particulars of the ownership of the car, in the register, and the giving of those particulars, and for making any particulars contained in the register available for use by the police, and for making the registration of a car void if the regulations as to registration are not complied with; and

(b) with respect to the licences to be granted by the councils of counties or county boroughs under this Act, and in particular with respect to the register to be kept of those licences and the renewal of licences, and for providing special facilities for granting licences to persons not resident in the United Kingdom, and for communicating particulars thereof to adjoining and other county or county borough councils, and for making any particulars with respect to any persons whose licences are suspended or endorsed available for use by the police, and for preventing a person holding more than one licence.

(3) The councils of counties and county boroughs shall comply with any regulations so made by the Local Government Board, and may if authorised by those regulations and in accordance therewith



charge in respect of the entry of particulars of the ownership of a car on change of ownership such fee, not exceeding ten shillings, as may be prescribed by the regulations, and in respect of the issue of a new licence in the place of a licence lost or defaced such fee not exceeding one shilling as may be prescribed by the regulations.

**8. Power to prohibit motor cars on special roads.**—The Local Government Board may, by regulations made under section six of the principal Act, prohibit or restrict the driving of any motor cars, or of any special kind of motor cars, on any specified highway, or part of a highway, which does not exceed sixteen feet in width, or on which ordinary motor car traffic would, in their opinion, be especially dangerous.

**9. Rate of speed.**—(1) Section four of the principal Act (which relates to the rate of speed of motor cars) is hereby repealed, but a person shall not, under any circumstances, drive a motor car on a public highway at a speed exceeding twenty miles per hour, and within any limits or place referred to in regulations made by the Local Government Board with a view to the safety of the public on the application of the local authority of the area in which the limits or place are situate, a person shall not drive a motor at a speed exceeding ten miles per hour.

If any person acts in contravention of this provision he shall be liable, on summary conviction, in respect of the first offence to a fine not exceeding ten pounds, and in respect of the second offence to a fine not exceeding twenty pounds, and in respect of any subsequent offence to a fine not exceeding fifty pounds, but a person shall not be convicted under this provision for exceeding the limit of speed of twenty miles merely on the opinion of one witness as to the rate of speed.

(2) Where a person is prosecuted for an offence under this section, he shall not be convicted unless he is warned of the intended prosecution at the time the offence is committed, or unless notice of the intended prosecution is sent to him or to the owner of the car as entered on the register within such time after the offence is committed, not exceeding twenty-one days, as the court think reasonable.

(3) The Local Government Board may, without any application from the local authority, after considering any objections which may be raised by the local authority, revoke or alter any regulation made by them under this section.

(4) For the purposes of this section the expression local authority means—

- (a) as respects the City of London, the mayor, aldermen, and commons of the City of London in common council assembled; and
- (b) as respects a municipal borough with a population of over ten thousand according to the last census taken before the passing of this Act, the council of the borough; and
- (c) as respects any other area, the county council.

**10. Erection of notice boards.**—(1) Local authorities within the meaning of the last preceding section shall give public notice of any regulation of the Local Government Board made in pursuance of this Act prohibiting or restricting the use of motor cars on any highway or part of a highway, or limiting the speed of motor cars within any limits or place, and for the purpose of giving effect to any such regulation shall place notices in conspicuous places on or near the highway, part of a highway, limits, or place to which the regulation refers.

(2) Subject to regulations as to size and colours to be made by the Local Government Board, local authorities within the meaning of the last preceding section shall within their areas cause to be set up sign posts denoting dangerous corners, cross roads, and precipitous places, where such sign posts appear to them to be necessary.

**11. Penalties and legal proceedings.**—(1) A person guilty of an offence under this Act for which no special penalty is provided shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds, or in the case of a subsequent or second conviction to a fine not exceeding fifty pounds, or in the discretion of the court to imprisonment for a period not exceeding three months.

(2) Any person adjudged to pay a fine exceeding twenty shillings under this Act may appeal against the conviction in the same manner as he may appeal if ordered to be imprisoned without the option of a fine.

**12. Regulations as to maximum weight of cars.**—(1) The Local Government Board by regulations made under section six of the principal Act may, as respects any class of vehicle mentioned in the regulations, increase the maximum weight of three tons and four tons mentioned in section one of that Act, subject to any conditions as to the use and construction of the vehicle which may be made by the regulations.

(2) The power of the Local Government Board to make regulations under section six of the Locomotives on Highways Act, 1896, shall, as respects motor cars exceeding two tons in weight unladen, include a power to make regulations as to speed.

**13. Inland Revenue licences for motor car drivers.**—The definition of "male servant" in sub-section three of section nineteen of the Revenue Act, 1869 [32 & 33 Vict. c. 14], as amended by section five of the Customs and Inland Revenue Act, 1876 [39 & 40 Vict. c. 16], shall be construed as if a person employed to drive a motor car were included in that definition.

**14. Local inquiries by Local Government Board.**—Subsections one and five of section eighty-seven of the Local Government Act, 1888 [51 & 52 Vict. c. 41] (which relates to local inquiries), shall apply for the purpose of the carrying out by the Local Government Board of any of their duties under this Act.

**15. Saving of liability.**—Nothing in this Act shall affect any liability of the driver or owner of a motor car by virtue of any statute or at common law.

**16. Application to servants of the Crown.**—It is hereby declared that this Act and the principal Act apply to persons in the public service of the Crown.

**17. Protection of Menai Bridge.**—(1) A motor car shall not be driven on or over Menai Bridge except in accordance with regulations made by the Commissioners of Works.

(2) If any person acts in contravention of this section he shall be liable on summary conviction in respect of the first offence to a fine not exceeding ten pounds, and in respect of the second offence to a fine not exceeding twenty pounds, and in respect of any subsequent offence to a fine not exceeding fifty pounds.

**18. Application to Scotland.**—In the application of this Act to Scotland—

- (1) a reference to the Secretary for Scotland shall be substituted for a reference to the Local Government Board; and
- (2) a reference to the council of a royal, parliamentary, or police burgh, containing within its boundaries, as ascertained, fixed, or determined for police purposes, a population according to the census for the time being last taken of or exceeding fifty thousand, shall be substituted for a reference to the council of a county borough, and every other burgh shall be deemed to form part of the county within which it is situate; and
- (3) the road authority of any county or of any royal, parliamentary, or police burgh shall be the local authority within the meaning of the provisions of this Act which relate to the rate of speed and the erection of danger boards; and
- (4) a reference to sub-sections one and three of section ninety-three of the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50], shall be substituted for a reference to sub-sections one and five of section eighty-seven of the Local Government Act, 1888; and
- (5) any fine under this Act shall be recoverable by imprisonment in terms of the Summary Jurisdiction Acts; and
- (6) any person convicted of an offence under this Act and ordered to be imprisoned without the option of a fine or adjudged to pay a fine exceeding ten pounds shall have a right of appeal against the conviction. Such appeal shall lie to the sheriff depute, and shall be heard summarily. Such appeal may be taken

either immediately after the judgment appealed against has been pronounced or within seven days thereafter, and upon such appeal being taken the sentence (if any) shall be suspended until the appeal has been disposed of: Providing that the appellant shall, at the time of taking such appeal, lodge in the hands of the clerk of court a bond with sufficient caution or otherwise give security satisfactory to the court for appearing before the sheriff depute. The sheriff depute is hereby authorized and empowered on such appeal to hear evidence, whether led at the original hearing or not, and to reconsider the merits of the case and reverse or confirm in whole or in part the judgment appealed against, or give such new or different judgment as he in his discretion shall think fit; and save as provided by the Summary Prosecutions Appeals (Scotland) Act, 1875, his judgment shall be final and not subject to review; and

(7) An appeal taken in terms of this Act by a person holding a licence against an order for suspension or disqualification shall be taken and disposed of as nearly as may be in the manner and subject to the conditions provided by the immediately preceding sub-section.

**19. Application to Ireland.**—In the application of this Act to Ireland—

- (1) a reference to the Local Government Board for Ireland shall be substituted for a reference to the Local Government Board; and
- (2) Sub-sections one and three of article thirty-two of the Local Government (Application of Enactments) Order, 1898, shall be substituted for sub-sections one and five of section eighty-seven of the Local Government Act, 1888 [51 & 52 Vict. c. 41]; and
- (3) Section twenty-three of the Summary Jurisdiction (Ireland) Act, 1851 [14 & 15 Vict. c. 92] (which gives a right of appeal), shall apply as respects convictions for offences under this Act as if any term of imprisonment without the option of a fine were substituted for a term of imprisonment exceeding one month; and
- (4) Sections one to four, inclusive, of the Criminal Evidence Act, 1898 [61 & 62 Vict. c. 36], shall extend to Ireland in the case of a person charged with any offence under this Act.

**20. Interpretation, commencement, and short title.**—(1) In this Act the expression "motor car" has the same meaning as the expression "light locomotive" has in the principal Act, as amended by this Act, except that, for the purpose of the provisions of this Act with respect to the registration of motor cars, the expression "motor car" shall not include a vehicle drawn by a motor car.

The provisions of this Act and of the principal Act shall apply in the case of a roadway to which the public are granted access in the same manner as they apply in the case of a public highway.

(2) This Act shall come into operation on the first day of January nineteen hundred and four.

(3) This Act may be cited as the Motor Car Act, 1903; and the Locomotives on Highways Act, 1896, and this Act may be cited together as the Motor Car Acts, 1896 and 1903.

**21. Duration of Act.**—This Act shall continue in force till the thirty-first day of December nineteen hundred and six and no longer, unless Parliament shall otherwise determine.

## CHAPTER 37.

[Irish Land Act, 1903.]

An Act to amend the Law relating to the occupation and ownership of Land in Ireland and for other purposes relating thereto, and to amend the Labourers (Ireland) Acts.

[14th August 1903.]

## CHAPTER 38.

[Poor Prisoners' Defence Act, 1903.]

An Act to make provision for the Defence of Poor Prisoners.

[14th August 1903.]

Be it enacted, &c.:

**1. Provision of legal aid.**—(1) Where it appears,

may be given to such a person as may be entitled to him, (2) cost of solicitor's fees, (3) may be legal aid, (4) may be legal aid, (5) may be legal aid, (6) may be legal aid, (7) may be legal aid, (8) may be legal aid, (9) may be legal aid, (10) may be legal aid, (11) may be legal aid, (12) may be legal aid, (13) may be legal aid, (14) may be legal aid, (15) may be legal aid, (16) may be legal aid, (17) may be legal aid, (18) may be legal aid, (19) may be legal aid, (20) may be legal aid, (21) may be legal aid, (22) may be legal aid, (23) may be legal aid, (24) may be legal aid, (25) may be legal aid, (26) may be legal aid, (27) may be legal aid, (28) may be legal aid, (29) may be legal aid, (30) may be legal aid, (31) may be legal aid, (32) may be legal aid, (33) may be legal aid, (34) may be legal aid, (35) may be legal aid, (36) may be legal aid, (37) may be legal aid, (38) may be legal aid, (39) may be legal aid, (40) may be legal aid, (41) may be legal aid, (42) may be legal aid, 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having regard to the nature of the defence set up by any poor prisoner, as disclosed in the evidence given or statement made by him before the committing justices, that it is desirable in the interests of justice that he should have legal aid in the preparation and conduct of his defence, and that his means are insufficient to enable him to obtain such aid—

(a) the committing justices, upon the committal of the prisoner for trial; or

(b) the judge of a court of assize or chairman of a court of quarter sessions, at any time after reading the depositions,

may certify that the prisoner ought to have such legal aid, and thereupon the prisoner shall be entitled to have solicitor and counsel assigned to him, subject to the provisions of this Act.

(2) The expenses of the defence, including the cost of a copy of the depositions, the fees of solicitor and counsel, and the expenses of any witnesses shall be allowed and paid in the same manner as the expenses of a prosecution in cases of indictment for felony, subject, nevertheless, to any rules under this Act and to any regulations as to rates or scales of payment which may be made by one of His Majesty's Principal Secretaries of State.

**2. Rules.]** Rules for carrying this Act into effect may be made in the same manner and subject to the same conditions as Rules under the Prosecution of Offences Act, 1879.

**3. Definitions.]** In this Act—

"Prisoner" includes a person committed for trial on bail.

"Committing justices" includes a magistrate of the police-courts of the metropolis and a stipendiary magistrate.

"Chairman" includes recorder or deputy recorder or deputy chairman.

**4. Extent.]** This Act shall not extend to Scotland or Ireland.

**5. Short title.]** This Act may be cited as the Poor Prisoners Defence Act, 1903, and shall come into operation on the first day of January one thousand nine hundred and four.

## CHAPTER 39.

### [Housing of the Working Classes Act, 1903.]

An Act to amend the Law relating to the Housing of the Working Classes.

[14th August 1903.]

Be it enacted, &c.:

#### General Amendments of Law.

**1. Maximum term for repayment of loans.]—**(1) The maximum period which may be sanctioned as the period for which money may be borrowed by a local authority for the purpose of the Housing of the Working Classes Act, 1900 [53 & 54 Vict. c. 70] (in this Act referred to as "the principal Act"), or any Acts amending it, shall be eighty years, and as respects money so borrowed eighty years shall be substituted for sixty years in section two hundred and thirty-four of the Public Health Act, 1875 [38 & 39 Vict. c. 55].

(2) Money borrowed under the principal Act or any Acts (including this Act) amending it (in this Act collectively referred to as the Housing Acts) shall not be reckoned as part of the debt of the local authority for the purposes of the limitation on borrowing under sub-sections two and three of section two hundred and thirty-four of the Public Health Act, 1875.

**2. Transfer of powers and duties of Home Office to Local Government Board.]—**(1) His Majesty may by Order in Council assign to the Local Government Board any powers and duties of the Secretary of State under the Housing Acts, or under any scheme made in pursuance of those Acts, and the powers of the Secretary of State under any local Act, so far as they relate to the housing of the working classes, and any such powers and duties so assigned shall become powers and duties of the Local Government Board.

(2) Section eleven of the Board of Agriculture Act, 1889 (52 & 53 Vict. c. 30), shall apply with respect to the powers and duties transferred under this section as it applies with respect to the powers and duties transferred under that Act, with the substitution of the Local Government Board for the Board of Agriculture and of the date of the

transfer under this section for the date of the establishment of the Board of Agriculture.

**3. Re-housing obligations when land is taken under statutory powers.]** Where under the powers given after the date of the passing of the Act by any local Act or Provisional Order, or Order having the effect of an Act, any land is acquired, whether compulsorily or by agreement, by any authority, company, or person, or where after the date of the passing of this Act any land is so acquired compulsorily under any general Act (other than the Housing Acts), the provisions set out in the Schedule to this Act shall apply with respect to the provision of dwelling accommodation for persons of the working class.

#### Amendments as to Schemes.

**4. Provisions on failure of local authority to make a scheme.]—**(1) If, on the report made to the confirming authority on an inquiry directed by them under section ten of the principal Act, that authority are satisfied that a scheme ought to have been made for the improvement of the area to which the inquiry relates, or of some part thereof, they may, if they think fit, order the local authority to make such a scheme, either under Part I. of the principal Act, or, if the confirming authority so direct, under Part II. of that Act, and to do all things necessary under the Housing Acts for carrying into execution the scheme so made, and the local authority shall accordingly make a scheme or direct a scheme to be prepared as if they had passed the resolution required under section four or section thirty-nine of the principal Act, as the case may be, and do all things necessary under the Housing Acts for carrying the scheme into effect.

Any such order of the confirming authority may be enforced by mandamus.

(2) Any twelve or more ratepayers of the district shall have the like appeal under section sixteen of the principal Act as is given to the twelve or more ratepayers who have made the complaint to the medical officer of health mentioned in that section.

**5. Amendment of procedure for confirming improvement scheme.]—**(1) Section seven of the principal Act shall have effect as if the words "in the month of September or October or November" were omitted from paragraph (a), and as if the words "during the thirty days next following the date of the last publication of the advertisement" were substituted for the words "during the month next following the month in which such advertisement is published" in paragraph (b).

(2) The order of a confirming authority under subsection four of section eight of the principal Act shall, notwithstanding anything in that section, take effect without confirmation by Parliament—

(a) if land is not proposed to be taken compulsorily; or

(b) if, although land is proposed to be taken compulsorily, the confirming authority before making the order are satisfied that notice of the draft order has been served as required as respects a Provisional Order by subsection five of the said section eight, and also that the draft order has been published in the London Gazette, and that a petition against the draft order has not been presented to the confirming authority by any owner of land proposed to be taken compulsorily within two months after the date of the publication and the service of notice, or, having been so presented, has been withdrawn.

(3) For the purposes of the principal Act, the making of an order by a confirming authority, which takes effect under this section without confirmation by Parliament, shall have the same effect as the confirmation of the order by Act of Parliament, and any reference to Provisional Order made under section eight of the principal Act, shall include a reference to an order which so takes effect without confirmation by Parliament.

**6. Power to modify schemes in certain cases.]—**(1) If an order under subsection four of section eight or under section thirty-nine of the principal Act, which, if no petition were presented, would take effect without confirmation by Parliament, is petitioned against, the confirming authority or the Local Government Board, as the case may be, may,

if they think fit, on the application of the local authority, make any modifications in the scheme to which the order relates for the purpose of meeting the objections of the petitioner and withdraw the order sanctioning the original scheme, substituting for it an order sanctioning the modified scheme.

(2) The same procedure shall be followed as to the publication and giving notices, and the same provisions shall apply as to the presentation of petitions and the effect of the order, in the case of the order sanctioning the modified scheme, as in the case of the order sanctioning the original scheme, but no petition shall be received or have any effect except one which was presented against the original order, or one which is concerned solely with the modifications made in the scheme as sanctioned by the new order.

**7. Amendments as to scheme of reconstruction.]** Where a scheme for reconstruction under Part II. of the principal Act is made, neighbouring lands may be included in the area comprised in the scheme if the local authority under whose direction the scheme is made are of opinion that that inclusion is necessary for making their scheme efficient, but the provision of sub-section two of section forty-one as to the exclusion of any additional allowance in respect of compulsory purchase, shall not apply in the case of any land so included.

#### Amendments as to Closing Orders, Demolition, &c.

**8. Amendment of procedure for closing orders.]—**

(1) If in the opinion of the local authority any dwelling-house is not reasonably capable of being made fit for human habitation, or is in such a state that the occupation thereof should be immediately discontinued, it shall not be necessary for them before obtaining a closing order, to serve a notice on the owner or occupier of the premises to abate the nuisance, and a justice may issue a summons for a closing order and a closing order may be granted, although such a notice has not been served.

(2) The Local Government Board may by order prescribe forms in substitution for those in the Fourth Schedule to the principal Act, and section thirty-two of the principal Act shall have effect as if the forms so prescribed were referred to therein in lieu of the forms in that Schedule.

**9. Power to recover costs of demolition.]** Where the amount realised by the sale of materials under section thirty-four of the principal Act is not sufficient to cover the expenses incident to the taking down and removal of a building, the local authority may recover the deficiency from the owner of the building as a civil debt in manner provided by the Summary Jurisdiction Acts, or under the provisions of the Public Health Acts relating to private improvement expenses.

**10. Recovery of possession from occupying tenants in pursuance of closing orders.]** Where default is made as respects any dwelling-house in obeying a closing order in the manner provided by subsection three of section thirty-two of the principal Act, possession of the house may be obtained (without prejudice to the enforcement of any penalty under that provision), whatever may be the value or rent of the house, by or on behalf of the owner or local authority, either under sections one hundred and thirty-eight to one hundred and forty-five of the County Courts Act, 1888 [51 & 52 Vict. c. 43], or under the Small Tenements Recovery Act, 1838 [1 & 2 Vict. c. 74], as in the cases therein provided for, and in either case may be obtained as if the owner or local authority were the landlord.

Any expenses incurred by a local authority under this section may be recovered from the owner of the dwelling-house as a civil debt in manner provided by the Summary Jurisdiction Acts.

#### Miscellaneous.

**11. Powers in connection with provision of dwelling accommodation or lodging-houses.]—**(1) Any power of the local authority under the Housing Acts, or under any scheme made in pursuance of any of those Acts, to provide dwelling accommodation or lodging-houses, shall include a power to provide and maintain, with the consent of the Local Government Board, and, if desired jointly with

any other person, in connection with any such dwelling accommodation or lodging-houses, any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Local Government Board will serve a beneficial purpose in connection with the requirements of the persons for whom the dwelling accommodation or lodging-houses are provided, and to raise money for the purpose, if necessary, by borrowing.

(2) The Local Government Board may, in giving their consent to the provision of any land or building under this section, by order apoly, with any necessary modifications, to such land or building any statutory provisions which would have been applicable thereto if the land or building had been provided under any enactment giving any local authority powers for the purpose.

12. *Condition in contracts for letting houses for the working classes.*—[Section seventy-five of the principal Act (which relates to the condition to be implied on letting houses for the working classes) shall, as respects any contract made after the passing of this Act, take effect notwithstanding any agreement to the contrary, and any such agreement made after the passing of this Act shall be void.

13. *Service of notices.*—(1) Any notice required to be served under Part II. of the principal Act upon an owner shall, notwithstanding anything in section forty-nine of that Act, be deemed to be sufficiently served if it is sent by post in a registered letter addressed to the owner or his agent at his usual or last known residence or place of business.

(2) Any document referred to in section eighty-seven of the principal Act shall be deemed to be sufficiently served upon the local authority if addressed to that authority or their clerk at the office of that authority and sent by post in a registered letter.

#### *Special Provisions as to London.*

14. *Agreements between London County Council and metropolitan borough councils.*—[The council of a metropolitan borough may, if they think fit, pay or contribute towards the payment of any expenses of the London County Council under subsection five of section forty-six of the principal Act in connection with a scheme of reconstruction, and borrow any money required by them for the purpose under subsection two of the said section; but an order under subsection six shall not be necessary except in cases of disagreement between the county council and the council of the borough.

15. *Provisions consequential on extension of period for repayment of loans.*—[For the purpose of carrying into effect the provisions of this Act as to the maximum period for which money may be borrowed, eighty years shall be substituted for sixty years in section twenty-seven of the Metropolitan Board of Works (Loans) Act, 1869 [32 & 33 Vict. c. 102], and such sum as will be sufficient, with compound interest, to repay the money borrowed within such period, not exceeding eighty years, as may be sanctioned by the London County Council, shall be substituted for two pounds per cent. in section one hundred and ninety of the Metropolis Management Act, 1855 [18 & 19 Vict. c. 120].

16. *Substitution of Secretary of State for Local Government Board.*—[The Secretary of State shall be substituted for the Local Government Board in the application to the administrative county of London of the provisions of the Schedule to this Act and of the provisions of this Act which require the consent of the Local Government Board to the exercise of additional powers given to a local authority by this Act in connection with the provision of dwelling accommodation or lodging-houses, until the powers and duties of the Secretary of State under those provisions are transferred to the Local Government Board in pursuance of this Act.

#### *Supplemental.*

17. *Short title and extent.*—(1) This Act may be cited as the Housing of the Working Classes Act, 1903, and the Housing of the Working Classes Acts, 1890 to 1900, and this Act may be cited together as the Housing of the Working Classes Acts, 1890 to 1903.

(2) This Act shall not extend to Scotland or Ireland.

### SCHEDULE.

[Sections 3, 16.]

(1) If in the administrative county of London or in any borough or urban district, or in any parish not within a borough or urban district, the undertakers have power to take under the enabling Act working men's dwellings occupied by thirty or more persons belonging to the working class, the undertakers shall not enter on any such dwellings in that county, borough, urban district, or parish, until the Local Government Board have either approved of a housing scheme under this schedule or have decided that such a scheme is not necessary.

For the purposes of this schedule a house shall be considered a working man's dwelling if wholly or partially occupied by a person belonging to the working classes, and for the purpose of determining whether a house is a working man's dwelling or not, and also for determining the number of persons belonging to the working classes by whom any dwelling-houses are occupied, any occupation on or after the fifteenth day of December next before the passing of the enabling Act, or, in the case of land acquired compulsorily under a general Act without the authority of an order, next before the date of the application to the Local Government Board under this schedule, for their approval or decision with respect to a housing scheme, shall be taken into consideration.

(2) The housing scheme shall make provision for the accommodation of such number of persons of the working class as is, in the opinion of the Local Government Board, taking into account all the circumstances, required, but that number shall not exceed the aggregate number of persons of the working class displaced; and in calculating that number the Local Government Board shall take into consideration not only the persons of the working class who are occupying the working men's dwellings which the undertakers have power to take, but also any persons of the working class who, in the opinion of the Local Government Board, have been displaced within the previous five years in view of the acquisition of land by the undertakers.

(3) Provision may be made by the housing scheme for giving undertakers who are a local authority, or who have not sufficient powers for the purpose, power for the purpose of the scheme to appropriate land or to acquire land, either by agreement or compulsorily under the authority of a Provisional Order, and for giving any local authority power to erect dwellings on land so appropriated or acquired by them, and to sell or dispose of any such dwellings and to raise money for the purpose of the scheme as for the purposes of Part III. of the principal Act, and for regulating the application of any money arising from the sale or disposal of the dwellings; and any provisions so made shall have effect as if they had been enacted in an Act of Parliament.

(4) The housing scheme shall provide that any lands acquired under that scheme shall, for a period of twenty-five years from the date of the scheme, be appropriated for the purpose of dwellings for persons of the working class, except so far as the Local Government Board dispense with that appropriation; and every conveyance, demise, or lease of any such land shall be indorsed with notice of this provision, and the Local Government Board may require the insertion in the scheme of any provisions requiring a certain standard of dwelling-house to be erected under the scheme, or any conditions to be complied with as to the mode in which the dwelling-houses are to be erected.

(5) If the Local Government Board do not hold a local inquiry with reference to a housing scheme they shall, before approving the scheme, send a copy of the draft scheme to every local authority, and shall consider any representation made within the time fixed by the Board by any such authority.

(6) The Local Government Board may, as a condition of their approval of a housing scheme, require that the new dwellings under the scheme, or some part of them, shall be completed and fit for occupation before possession is taken of any working-men's dwellings under the enabling Act.

(7) Before approving any scheme the Local Government Board may if they think fit require the undertakers to give such security as the Board consider proper for carrying the scheme into effect.

(8) The Local Government Board may hold such

inquiries as they think fit for the purpose of the duties under this schedule, and subsections one and five of section eighty-seven of the Local Government Act, 1888 (which relate to local inquiries), shall apply for the purpose, and where the undertakers are not a local authority shall be applicable as if they were such an authority.

(9) If the undertakers enter on any working-men's dwelling in contravention of the provisions of this schedule, or of any conditions of approval of the housing scheme made by the Local Government Board, they shall be liable to a penalty not exceeding five hundred pounds in respect of every such dwelling:

Any such penalty shall be recoverable by the Local Government Board by action in the High Court, and shall be carried to and form part of the Consolidated Fund.

(10) If the undertakers fail to carry out any provision of the housing scheme, the Local Government Board may make such order as they think necessary or proper for the purpose of compelling them to carry out that provision, and any such order may be enforced by mandamus.

(11) The Local Government Board may, on the application of the undertakers, modify any housing scheme which has been approved by them under this Schedule, and any modifications so made shall take effect as part of the scheme.

(12) For the purposes of this schedule—

(a) The expression "undertakers" means any authority, company, or person who are acquiring land compulsorily or by agreement under any local Act or Provisional Order or order having the effect of an Act, or are acquiring land compulsorily under any general Act:

(b) The expression "enabling Act" means any Act of Parliament or Order under which the land is acquired:

(c) The expression "local authority" means the council of any administrative county and the district council of any county district, or, in London, the council of any metropolitan borough, in which in any case any houses in respect of which the re-housing scheme is made are situated, or in the case of the city the common council:

(d) The expression "dwelling" or "house" means any house or part of a house occupied as a separate dwelling:

(e) The expression "working class" includes mechanics, artisans, labourers, and other working for wages; hawkers, costermongers, persons not working for wages, but working at some trade or handicraft without employing others, except members of their own family, and persons other than domestic servants whose income in any case does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

### CHAPTER 40.

[*Expiring Laws Continuance Act, 1903.*]

An Act to continue various Expiring Laws.

[14th August 1903.]

Whereas the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December nineteen hundred and three:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted, &c.:

1. *Continuance of Acts in Schedule.*—(1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December nineteen hundred and four, and shall then expire, unless further continued.

(2) Any unreppealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

2. *Short title.*—[This Act may be cited as the Expiring Laws Continuance Act, 1903.]



SCHEDULE.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1.) 6 Will. 4, c. 27 . . .	The Linen Manufactures (Ireland) Act, 1835 . . .	The whole Act . . .	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2.) 4 Vict. c. 89 . . .	The Poor Rate Exemption Act, 1840 . . .	The whole Act.	—
(3.) 5 Vict. c. 30 . . .	The Ordnance Survey Act, 1841 . . .	The whole Act . . .	33 Vict. c. 13. 47 & 48 Vict. c. 43. 52 & 53 Vict. c. 30.
(4.) 11 Vict. c. 98 . . .	The Ecclesiastical Jurisdiction Act, 1847 . . .	As to the provisions continued by 21 & 22 Vict. c. 50.	—
(5.) 15 Vict. c. 104 . . .	The Episcopal and Capitular Estates Act, 1851 . . .	The whole Act . . .	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114, s. 10.
(6.) 18 Vict. c. 102 . . .	The Corrupt Practices Prevention Act, 1854 . . .	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29, s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(7.) 24 Vict. c. 19 . . .	The Labourers (Ireland) Act, 1860 . . .	The whole Act.	—
(8.) 25 Vict. c. 109 . . .	The Salmon Fishery Act, 1861 . . .	As to the appointment of in- spectors, s. 31.	49 & 50 Vict. c. 39, s. 3. 55 & 56 Vict. c. 50.
(9.) 27 Vict. c. 105 . . .	The Promissory Notes Act, 1863 . . .	The whole Act . . .	45 & 46 Vict. c. 61.
(10.) 28 Vict. c. 20 . . .	The Promissory Notes (Ireland) Act, 1864 . . .	The whole Act.	—
(11.) 29 Vict. c. 46 . . .	The Militia (Ballot Suspension) Act, 1865 . . .	The whole Act . . .	45 & 46 Vict. c. 49.
(12.) 29 Vict. c. 83 . . .	The Locomotives Act, 1865 . . .	The whole Act . . .	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77 (Part II.) 59 & 60 Vict. c. 36. 61 & 62 Vict. c. 29.
(13.) 29 & 30 Vict. c. 52 . . .	The Prosecutions Expenses Act, 1866 . . .	The whole Act.	—
(14.) 31 & 32 Vict. c. 125 . . .	The Parliamentary Elections Act, 1868 . . .	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
(15.) 33 & 33 Vict. c. 21 . . .	The Corrupt Practices Commission Expenses Act, 1869 . . .	The whole Act . . .	34 & 35 Vict. c. 61.
(16.) 33 & 33 Vict. c. 56 . . .	The Endowed Schools Act, 1869 . . .	As to the powers of making schemes.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.
(17.) 33 & 34 Vict. c. 112 . . .	The Glebe Loan (Ireland) Act, 1870 . . .	The whole Act . . .	34 & 35 Vict. c. 100. 49 Vict. c. 6.
(18.) 34 & 35 Vict. c. 87 . . .	The Sunday Observation Prosecution Act, 1871 . . .	The whole Act.	—
(19.) 35 & 36 Vict. c. 33 . . .	The Ballot Act, 1872 . . .	The whole Act . . .	45 & 46 Vict. c. 50. (Municipal Elections.)
(20.) 38 & 39 Vict. c. 84 . . .	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act . . .	46 & 47 Vict. c. 51, s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
(21.) 39 & 40 Vict. c. 21 . . .	The Jurors Qualification (Ireland) Act, 1876 . . .	The whole Act . . .	57 & 58 Vict. c. 49. 61 & 62 Vict. c. 37, s. 69.
(22.) 41 & 42 Vict. c. 41 . . .	The Parliamentary Elections Returning Officers Ex- penses (Scotland) Act, 1878.	The whole Act . . .	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
(23.) 41 & 42 Vict. c. 72 . . .	The Sale of Liquors on Sunday (Ireland) Act, 1878 . . .	The whole Act.	—
(24.) 43 Vict. c. 18 . . .	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act . . .	46 & 47 Vict. c. 51.
(25.) 43 & 44 Vict. c. 42 . . .	The Employers' Liability Act, 1880 . . .	The whole Act.	—
(26.) 44 & 45 Vict. c. 5 . . .	The Peace Preservation (Ireland) Act, 1881 . . .	The whole Act . . .	49 & 50 Vict. c. 24. 50 & 51 Vict. c. 30.
(27.) 46 & 47 Vict. c. 51 . . .	The Corrupt and Illegal Practices Prevention Act, 1883	The whole Act . . .	58 & 59 Vict. c. 40.
(28.) 46 & 47 Vict. c. 60 . . .	The Labourers (Ireland) Act, 1883 . . .	The whole Act . . .	48 & 49 Vict. c. 77. 49 & 50 Vict. c. 59. 54 & 55 Vict. c. 48.



1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(29.) 47 & 48 Vict. c. 70 . . . .	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act . . . .	54 & 55 Vict. c. 71. 55 & 56 Vict. c. 7. 59 & 60 Vict. c. 53. 61 & 62 Vict. c. 37.
(30.) 49 & 50 Vict. c. 29 . . . .	The Crofters Holdings (Scotland) Act, 1886 . . . .	As to the powers of the Commissioners for the enlargement of holdings, s. 22.	56 & 57 Vict. c. 73. 50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.
(31.) 51 & 52 Vict. c. 55 . . . .	The Sand Grouse Protection Act, 1888 . . . .	The whole Act.	—
(32.) 52 & 53 Vict. c. 40 . . . .	The Welsh Intermediate Education Act, 1889 . . . .	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60.
(33.) 58 & 59 Vict. c. 21 . . . .	The Seal Fisheries (North Pacific) Act, 1895 . . . .	The whole Act.	—
(34.) 59 Vict. c. 1 . . . .	The Local Government (Elections) Act, 1896 . . . .	The whole Act.	—
(35.) 59 & 60 Vict. c. 48 . . . .	The Light Railways Act, 1896 . . . .	As to the powers of the Light Railway Commissioners.	—
(36.) 61 & 62 Vict. c. 49 . . . .	The Vaccination Act, 1898 . . . .	The whole Act.	—

## CHAPTER 41.

## [Public Buildings Expenses Act, 1903.]

An Act to make further provision for defraying the expenses of the purchase of Land and Buildings and the construction of Buildings and Works in connexion with certain Public Departments. [14th August, 1903.]

## CHAPTER 42.

## [County Courts Act, 1903.]

An Act to extend the Jurisdiction of the County Courts. [14th August 1903.]

Be it enacted, &c. :

1. *Short title.*] This Act may be cited as the County Courts Act, 1903.

2. *Commencement of Act.*] This Act shall come into operation on the first day of January one thousand nine hundred and five.

3. *Extension of jurisdiction of court.*] The portions of the fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth, sixtieth, eighty-first, ninety-sixth, one hundred and sixteenth, one hundred and thirty-eighth, and one hundred and thirty-ninth sections of the County Courts Act, 1888 [51 & 52 Vict. c. 43], containing the words "fifty pounds" are hereby repealed, and in lieu thereof there shall be substituted the words "one hundred pounds."

4. *Juries.*] Section one hundred and two of the County Courts Act, 1888, shall be read as if the word "eight" were substituted for the word "five."

5. *Transference of actions in which the plaintiff claims more than fifty pounds by virtue of this Act.*] It shall be lawful for His Majesty by Order in Council to provide that the actions in which the plaintiff claims a sum exceeding fifty pounds by virtue of this Act shall be tried in any court, where His Majesty is satisfied that due provision has been made for carrying on the business of the court without interference with the ordinary jurisdiction of the court, and of which the judge of the court in which such actions may be commenced is the judge, and that the court to which such actions may be transferred for trial shall have the same jurisdiction in such actions as it would have had in case they had been commenced therein, and that the judgment of the court in which such actions are tried shall have the same effect as if the judgment therein had been the judgment of the court in which they were commenced.

6. *Registrars.*—(1) Where two or more districts are consolidated, notwithstanding anything in section forty-five of the County Courts Act, 1888,

contained, the Lord Chancellor, with the consent of the Treasury, may make such provision for the duties of the registrar and otherwise as he may think fit.

(2) Where an order has been made as to a registrar under section forty-five of the County Courts Act, 1888, he shall account for and pay over to the Exchequer all fees whatsoever received by him after the date of such order in such manner as the Lord Chancellor, with the concurrence of the Treasury, may direct.

7. *Rules.*] The power to make rules of court in accordance with the one hundred and sixty-fourth section of the County Courts Act, 1888, shall extend to making rules for carrying this Act into effect.

8. *Construction.*] This Act and the County Courts Act, 1888, shall be construed as one Act.

## CHAPTER 43.

## [Diseases of Animals Act, 1903.]

An Act to amend the Diseases of Animals Act, 1894, in relation to Sheep Scab.

[14th August 1903.]

Be it enacted, &c. :

1. *Compulsory adoption of remedies for sheep scab.* Section twenty-two of the Diseases of Animals Act, 1894 [57 & 58 Vict. c. 57] (which empowers the Board of Agriculture to make orders for the better prevention of disease among animals, and to authorize local authorities to make regulations for the like purpose), shall be construed and have effect as if the following paragraph were inserted therein, namely :

"(xiii.) For prescribing, regulating, and securing the periodical treatment of all sheep by effective dipping, or by the use of some other remedy for sheep scab."

2. *Power of examination of sheep.*—(1) An inspector of the Board of Agriculture, and, if so authorized by order of the Board, an inspector of the local authority, may, subject to the direction of the authority appointing the inspector, and for the purposes of any order or regulation under this Act, enter any premises and examine any sheep thereon.

(2) The owner and the person in charge of any sheep shall comply with all reasonable requirements of the inspector as to the collection and penning of the sheep, and afford all other reasonable facilities for the examination of the sheep by the inspector.

3. *Power for local authority to provide facilities for sheep-dipping.*] The local authority may provide, fit up, and maintain portable dipping tanks or,

with the sanction of the Board of Agriculture, dipping places, and afford the use thereof, and of all necessary appliances and materials in connection therewith, to the public upon such terms and conditions as the local authority may think fit, and any sums received by a local authority for such use shall be applied by them towards the discharge of their expenses under the Diseases of Animals Act, 1894 :

Provided that no dipping place shall be used for the purposes of this section if such use would injuriously affect the water in any stream, reservoir, aqueduct, well, pond, or place constructed or used for the supply of water for drinking or other domestic purposes.

4. *Application of Act to Ireland.*] In the application of this Act to Ireland, "the Department of Agriculture and Technical Instruction for Ireland" shall be substituted for "the Board of Agriculture."

5. *Short title.*] This Act may be cited as the Diseases of Animals Act, 1903, and shall be construed as one with the Diseases of Animals Act, 1894 and 1896, and may be cited with those Acts as the Diseases of Animals Acts, 1894 to 1903.

## CHAPTER 44.

## [General Dealers (Ireland) Act, 1903.]

An Act for regulating the business of Marine Store Dealers and Dealers in Second-hand Goods in Ireland. [14th August 1903.]

## CHAPTER 45.

## [Employment of Children Act, 1903.]

An Act to make better provision for regulating the Employment of Children.

[14th August 1903.]

Be it enacted, &c. :

1. *Power to make bye-laws for regulating the employment of children.*] Any local authority may make bye-laws—

(i) prescribing for all children, or for boys and girls separately, and with respect to all occupations or to any specified occupation,—

(a) the age below which employment is illegal; and

(b) the hours between which employment is illegal; and

(c) the number of daily and weekly hours beyond which employment is illegal :

(ii) prohibiting absolutely or permitting, subject to conditions, the employment of children in any specified occupation.

**2. Power to make bye-laws for the regulation of street trading by persons under sixteen.]** Any local authority may make bye-laws with respect to street trading by persons under the age of sixteen, and may by such bye-laws—

- (a) prohibit such street trading, except subject to such conditions as to age, sex, or otherwise, as may be specified in the bye-law, or subject to the holding of a licence to trade to be granted by the local authority;
- (b) regulate the conditions on which such licences may be granted, suspended, and revoked;
- (c) determine the days and hours during which, and the places at which, such street trading may be carried on;
- (d) require such street traders to wear badges;
- (e) regulate generally the conduct of such street traders:

Provided as follows:—

- (1) The grant of a licence or the right to trade shall not be made subject to any conditions having reference to the poverty or general bad character of the person applying for a licence or claiming to trade;
- (2) The local authority, in making bye-laws under this section, shall have special regard to the desirability of preventing the employment of girls under sixteen in streets or public places.

**3. General restrictions on employment of children.]**

—(1) A child shall not be employed between the hours of nine in the evening and six in the morning: Provided that any local authority may, by bye-law, vary these hours either generally or for any specified occupation.

(2) A child under the age of eleven years shall not be employed in street trading.

(3) No child who is employed half-time under the Factory and Workshop Act, 1901, shall be employed in any other occupation.

(4) A child shall not be employed to lift, carry, or move anything so heavy as to be likely to cause injury to the child.

(5) A child shall not be employed in any occupation likely to be injurious to his life, limb, health, or education, regard being had to his physical condition.

(6) If the local authority send to the employer of any child a certificate signed by a registered medical practitioner that the lifting, carrying or moving of any specified weight is likely to cause injury to the child, or that any specified occupation is likely to be injurious to the life, limb, health, or education of the child, the certificate shall be admissible as evidence in any subsequent proceedings against the employer in respect of the employment of the child.

**4. General provisions as to bye-laws.]**—(1) A bye-law made under this Act shall not have any effect until confirmed by the Secretary of State, and shall not be so confirmed until at least thirty days after the local authority have published it in such manner as the Secretary of State may by general or special order direct.

(2) The Secretary of State shall, before confirming any bye-law, consider any objections to it which may be addressed to him by persons affected or likely to be affected thereby.

(3) The Secretary of State may, before confirming any bye-law, order that a local inquiry be held with respect to the bye-law or with respect to any objections thereto. The person holding any such inquiry shall receive such remuneration as the Secretary of State may determine, and that remuneration and the expenses of the local inquiry shall be paid by the local authority making the bye-law.

(4) Bye-laws made under this Act may apply either to the whole of the area of the local authority, or to any specified part thereof.

(5) Bye-laws made by a county council shall not be of any force or effect within any borough or urban district the council of which is constituted a local authority under this Act.

(6) Bye-laws under the Prevention of Cruelty to Children Act, 1894 [57 & 58 Vict. c. 41], shall be made by the same authority and confirmed in the same way as bye-laws under this Act.

**5. Offences and penalties.]**—(1) If any person employs a child or other person under the age of sixteen in contravention of this Act, or of any bye-law under this Act, he shall be liable on

summary conviction to a fine not exceeding forty shillings, or, in case of a second or subsequent offence, not exceeding five pounds.

(2) If any parent or guardian of a child or other person under the age of sixteen has conducted to the commission of the alleged offence by wilful default, or by habitually neglecting to exercise due care, he shall be liable on summary conviction to the like fine.

(3) If any person under the age of sixteen contravenes the provision of any bye-law as to street trading made under this Act, he shall be liable on summary conviction to a fine not exceeding twenty shillings, and in case of a second or subsequent offence, if a child, to be sent to an industrial school, and, if not a child, to a fine not exceeding five pounds.

(4) In lieu of ordering a child to be sent under this section to an industrial school, a court of summary jurisdiction may order the child to be taken out of the charge or control of the person who actually has the charge or control of the child, and to be committed to the charge and control of some fit person who is willing to undertake the same until such child reaches the age of sixteen years: And the provisions of sections seven and eight of the Prevention of Cruelty to Children Act, 1894, shall, with the necessary modifications, apply to any order for the disposal of a child made under this sub-section.

**6. Offences by agents or workmen and by parents.]**

—(1) Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

(2) Where a child is taken into employment in contravention to this Act on the production, by or with the privity of the parent, of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

(3) Where an employer is charged with any offence under this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the court is satisfied that the employer had used due diligence to comply with the provisions of the Act, and that the other person had committed the offence in question without the employer's knowledge, consent, or connivance, the other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine.

(4) When it is made to appear to the satisfaction of an inspector or other officer charged with the enforcement of this Act, at the time of discovering the offence, that the employer had used all due diligence to enforce compliance with this Act, and also by what person the offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer, and in contravention of his order, then the inspector or officer shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

**7. Limitation of time.]** With respect to summary proceedings for offences and fines under this Act, and any bye-laws made thereunder, the information shall be laid within three months after the commission of the offence.

**8. Power of officer of local authority to enter place of employment.]** If it appear to any justice of the peace, on the complaint of an officer of the local authority acting under this Act, that there is reasonable cause to believe that a child is employed in contravention of this Act in any place, whether a building or not, such justice may by order under his hand empower an officer of the local authority to enter such place at any reasonable time, within forty-eight hours from the date of the order, and examine such place and any person therein touching the employment of any child therein.

Any person refusing admission to an officer authorized by an order under this section, or obstructing him in the discharge of his duty, shall

for each offence be liable on summary conviction to a penalty not exceeding twenty pounds.

**9. Employment in factories.]** Bye-laws made under this Act shall not apply to any child above twelve employed in pursuance of the Factory and Workshop Act, 1901 [1 Ed. 7, c. 22], or the Metalliferous Mines Regulation Act, 1872 [35 & 36 Vict. c. 77], or the Coal Mines Regulation Act, 1887 [50 & 51 Vict. c. 58], so far as regards that employment; and in the application of section three to children employed under those Acts the inspectors appointed under those Acts shall be substituted for the local authority in respect of such employment.

**10. Saving for industrial and other schools.]** Nothing in this Act or in any bye-law made thereunder shall apply to the exercise of manual labour by any child under order of detention in a certified industrial or reformatory school, or by any child while receiving instruction in manual labour in any school.

**11. Incorporation and amendment of s. 3 of 57 & 58 Vict. c. 41.]** Section three of the Prevention of Cruelty to Children Act, 1894 (which regulates the employment of children in public entertainments), shall have effect as if re-enacted in this Act: Provided as follows:—

(1) A licence under that section shall not be granted to any child under the age of ten years; and

(2) Any inspector or other officer charged with the execution of this Act shall have and may exercise all the powers of an inspector of factories and workshops under that section, and that section shall apply accordingly.

**12. Expenses of Act in England and Wales.]** Any expenses incurred by a local authority in England and Wales in carrying into effect the provisions of this Act or any bye-law made thereunder shall be defrayed in the case of a county out of the county fund, and in the case of a borough out of the borough fund or borough rate, and in the case of any other urban district out of any rate or fund applicable for defraying expenses incurred in the execution of the Public Health Acts: Provided that a county council shall not raise any sum on account of their expenses under this Act within any borough or urban district the council of which is a local authority under this Act.

**13. Definitions.]** In this Act—

The expression "child" means a person under the age of fourteen years:

The expression "guardian," used in reference to a child, includes any person who is liable to maintain or has the actual custody of the child:

The expressions "employ" and "employment," used in reference to a child, include employment in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or to any other person:

The expression "local authority" means, in the case of the City of London, the mayor, aldermen, and commons of that city in common council assembled, in the case of a municipal borough with a population according to the census of nineteen hundred and one of over ten thousand, the borough council, and in the case of any other urban district with a population according to the census of nineteen hundred and one of over twenty thousand, the district council, and elsewhere the county council:

The expression "street trading" includes the hawking of newspapers, matches, flowers, and other articles, playing, singing, or performing for profit, shoe-blackening, and any other like occupation carried on in streets or public places.

**14. Application to Scotland.]** In the application of this Act to Scotland—

(1) The Secretary for Scotland shall be substituted for the Secretary of State:

(2) "The sheriff or sheriff-substitute" shall be substituted for "a court of summary jurisdiction":

(3) Any fine or penalty under this Act shall be recoverable by imprisonment in terms of the Summary Jurisdiction Acts:

(4) The expression "local authority," in sections one and three of this Act, shall mean, the



school board; and in section two of this Act shall mean, in the case of a royal, parliamentary, or police burgh having, within its boundary for police purposes, according to the census of nineteen hundred and one, a population of or exceeding seven thousand, and in the case of the burgh of Coatbridge, the town council, and elsewhere the county council, and for the purposes of section two every burgh other than those herein-before specified shall be held to form part of the county within which it is situated: Provided that in section eight of the Local Government (Scotland) Act, 1889, the expression "purposes herein-after mentioned" shall be deemed to include the purposes of this Act:

- (5) Nothing in this Act shall affect the power of the school board to grant exemptions in certain employments as provided by sub-section three of section seven of the Education (Scotland) Act, 1878 [41 & 42 Vict. c. 78], and the expression "this Act" in the said section shall be deemed to include the Employment of Children Act, 1903:
- (6) A bye-law shall not be made by a council under this Act until the expiry of a period of one month after such bye-law as proposed to be made has been communicated to the clerk to each school board of a parish, burgh, or district comprised or partly comprised within the area of such council for the purposes of this Act, and such council shall give due consideration to any observations received from any such school board within such period; and
- (7) Nothing in this Act shall make it lawful for any child to be employed in contravention of section six of the Education (Scotland) Act, 1878, or section two of the Education (Scotland) Act, 1901 [1 Ed. 7, c. 9]:
- (8) Section two hundred and seventy-six of the Burgh Police (Scotland) Act, 1892 [55 & 56 Vict. c. 55] is hereby repealed.

**15. Expenses of Act in Scotland.]** Any expenses incurred by a local authority in Scotland in carrying into effect the provisions of this Act or any bye-laws made thereunder shall be paid, where the local authority is a county council, out of the public health general assessment leviable within the county or a district of the county, provided that in any royal, parliamentary, or police burgh having, according to the census of nineteen hundred and one, a population of less than seven thousand, a proportion of such expenses corresponding to the valuation of such burgh shall be paid to the county council out of the public health general assessment leviable in such burgh, in compliance with a requisition to that effect to be sent to the town council of such burgh annually not later than the month of October in each year, and, where the local authority is a town council, out of the public health general assessment, and shall be paid, where the local authority is a school board, out of the school rate.

**16. Application to Ireland.]** In the application of this Act to Ireland—

- (1) The Lord Lieutenant shall be substituted for the Secretary of State:
- (2) The expression "local authority" means, in the case of an urban district with a population according to the census of nineteen hundred and one of over five thousand, the district council, and elsewhere the county council:
- (3) Proceedings under this Act may be brought by or in the name of any officer of the local authority, or by an officer of a school attendance committee, or by a constable:
- (4) All expenses and costs to be incurred by a local authority in the execution of this Act shall be defrayed in the case of the council of a county borough or of a district council out of any rate or fund applicable to the purposes of the Public Health (Ireland) Act, 1878 [41 & 42 Vict. c. 52], and in the case of a county council out of the county fund, and in such case the amount required therefor may be raised by means of the poor rate equally over so much of the county as does not comprise any urban district the council whereof is constituted a local authority under this Act.

**17. Commencement of Act.]** This Act shall come into operation on the first day of January one thousand nine hundred and four.

**18. Short title.]** This Act may be cited as the Employment of Children Act, 1903.

## CHAPTER 46.

## [Revenue Act, 1903.]

An Act to make certain amendments of the Law relating to Customs and Inland Revenue, and of the Law relating to the powers and duties of the National Debt Commissioners.

[14th August 1903.]

Be it enacted, &c.:

## PART I.

## CUSTOMS AND EXCISE.

**1. Molasses used for food for stock.]**—(1) Molasses imported into Great Britain or Ireland shall not be liable to duty under section two of the Finance Act, 1901 [1 Ed. 7, c. 7], if it is to be used solely for the purpose of food for stock and such conditions are complied with in respect thereof as to proof, security, and otherwise as may be imposed by the Commissioners of Customs for the purpose of protecting the revenue.

(2) An allowance at the rate of one shilling per hundredweight shall be made to a refiner on molasses produced in Great Britain or Ireland from sugar on which duty has been paid on importation if the molasses is to be used solely for the purpose of food for stock and such conditions are complied with in respect thereof as to proof, security, and otherwise as may be imposed by the Commissioners of Customs or Commissioners of Inland Revenue, as the case requires, for the purpose of protecting the revenue.

(3) If any person acts in contravention of any condition imposed by the Commissioners of Customs or Commissioners of Inland Revenue under this section, that person shall in respect of each offence be liable to a penalty not exceeding fifty pounds.

**2. Extension of 1 Ed. 7, c. 7 as to manufacture of saccharin.]** Section nine of the Finance Act, 1901 (which relates to regulations as to excise duty on glucose, &c.), shall (so far as it does not already so apply) apply to saccharin, including substances of a like nature or use, as it applies to glucose, and the Commissioners of Inland Revenue may make regulations under that section as to the manufacture, storage, and warehousing without payment of duty of saccharin, and for requiring that the premises in which saccharin is manufactured, warehoused, or stored are approved by them and properly secured.

**3. Charge of duty on actual quantity of sugar, &c., cleared from warehouse.]** The provisions of section ninety-eight of the Customs Consolidation Act, 1876 [39 & 40 Vict. c. 36], which relate to the charging of duty upon the quantity of goods ascertained by weight, measure, or strength at the time of actual delivery thereof, shall apply to sugar and molasses when cleared from the warehouse for home use, as they apply to the specially excepted goods mentioned in that section.

**4. Provisions as to warehouses.]**—(1) A distiller's warehouse may be provided by the distiller under section forty-nine of the Spirits Act, 1880 [43 & 44 Vict. c. 24], either within or without the premises upon which the spirits are distilled, but if the warehouse is not within those premises, the Commissioners may attach to their approval of the warehouse such conditions as they think fit, and if those conditions are not for the time being observed, the warehouse shall be deemed to be a warehouse not approved by the Commissioners.

(2) Goods may be warehoused, under section eighteen of the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12], in an Excise warehouse if the warehouse is approved by the Commissioners of Inland Revenue, and, if an Excise warehouse is so approved, the approval of the Treasury shall not be required.

## PART II.

## STAMPS.

**5. Payment of duty on the capital of companies.]** The statement of the amount of any increase of

registered capital of any company registered under the Companies Acts, 1862 to 1900, which is required by section one hundred and twelve of the Stamp Act, 1891 [54 & 55 Vict. c. 39], to be delivered to the Registrar of Joint Stock Companies shall be delivered duly stamped with the duty charged thereon within fifteen days after the passing of the resolution by which the registered capital is increased, and, in default of that delivery, the duty with interest thereon at the rate of five per cent. per annum from the passing of the resolution shall be a debt to His Majesty recoverable from the company.

**6. Exemption from stamp duty of security on export of coal.]** Any bond or notice given with reference to the exportation of coal or the carriage of coal coastwise for the purpose of the security required under section one hundred and four of the Customs Consolidation Act, 1876 [39 & 40 Vict. c. 36], or under the Fourth Schedule to the Finance Act, 1901 [1 Ed. 7, c. 7], shall be exempt from stamp duty, and may be received and acted upon, although not stamped.

**7. Reduction of stamp duty in the case of substituted securities.]** The whole amount of duty payable under or by reference to paragraph (2) of the heading "Mortgage, Bond, Debenture, Covenant, and Warranty of Attorney" in the First Schedule to the Stamp Act, 1891 [54 & 55 Vict. c. 39], on any instrument being a collateral, or auxiliary, or additional, or substituted security, or by way of further assurance, shall not exceed ten shillings.

**8. Stamping of policies of insurance on ships under construction, &c.]** A policy of insurance made or purporting to be made upon or to cover any ship or vessel, or the machinery or fittings belonging to the ship or vessel whilst under construction, or repair, or on trial, shall be sufficiently stamped for the purposes of the Stamp Act, 1891, and the Act amending that Act, if stamped as a policy of sea insurance made for a voyage, and though made for a time exceeding twelve months shall not be deemed to be a policy of sea insurance made for time.

**9. Repeal of stamp duty on commissions in army and navy.]** Stamp duty shall cease to be chargeable on commissions to officers in the army, royal marines, or navy.

## PART III.

## TAXES.

**10. Income tax allowances on friendly societies insurance premiums.]**—(1) The proviso to section one of the Income Tax (Insurance) Act, 1855 [18 & 19 Vict. c. 35] (which limits the income tax allowances for premiums in respect of insurance with friendly societies), shall cease to have effect, but, where the premiums payable in respect of any insurance to which that section extends are made for shorter periods than three months, the production of a certificate signed by an officer of the society to the surveyor of taxes for the district specifying the correct amount of premiums paid during the year shall be a condition of obtaining relief under that section.

(2) If any person wilfully gives or produces a false certificate under this section he shall forfeit the sum of fifty pounds, and that sum may be recovered as a penalty under section twenty-one of the Taxes Management Act, 1880 [43 & 44 Vict. c. 19].

**11. Inhabited house duty on houses let in tenements or flats.]**—(1) Where a house, so far as it is used as a dwelling-house, is used for the sole purpose of providing separate dwellings:—

(a) The value of any dwelling in the house which is of an annual value below twenty pounds shall be excluded from the annual value of the house for the purposes of inhabited house duty; and

(b) The rate of inhabited house duty in respect of any dwelling in the house of an annual value of twenty pounds but not exceeding forty pounds shall be reduced to threepence; and

(c) The rate of inhabited house duty in respect of any dwelling in the house of an annual value exceeding forty pounds but not exceeding sixty pounds shall be reduced to sixpence.

(2) The provisions of this section as respects dwellings of an annual value not exceeding forty



pounds shall not take effect with regard to any such dwelling unless such a certificate as to accommodation and sanitary condition is produced to the General Commissioners as defined by section five of the Taxes Management Act, 1880 [53 & 54 Vict. c. 8], as is mentioned in sub-section (2) of section twenty-six of the Customs and Inland Revenue Act, 1890, and the provisions of that sub-section as to the certificate shall apply for the purpose.

12. *Provision as to property in Scotland on the boundary of general tax Commissioners' areas.* Where any lands and heritages in Scotland are partly in the jurisdiction of one body of general Commissioners and partly in the jurisdiction of another, or where it is desirable for the convenience of assessment to transfer any lands and heritages from the jurisdiction of one body of general Commissioners to the jurisdiction of another such body, the Commissioners of Inland Revenue at the request of the general Commissioners concerned, shall, by order in writing, determine which body of general Commissioners shall have the jurisdiction, and the whole lands and heritages aforesaid shall be within such jurisdiction accordingly.

13. *Professional representation on income tax appeals.* If upon any appeal under the Income Tax Acts, the Commissioners for the general purposes of the said Acts refuse to permit a barrister or solicitor to plead before them or to hear any accountant, the appellant may, in lieu of proceeding with the appeal before them, appeal to the Commissioners for the special purposes of the said Acts, and the last-mentioned Commissioners are hereby required to hear the barrister, solicitor, or accountant.

The term "accountant" in this section means a person who has been admitted as a member of an incorporated society of accountants.

PART IV.

MISCELLANEOUS.

14. *Provision as to fixed duty on small estates.* Where, in the case of a person dying after the commencement of this Act, the fixed duty of thirty shillings or fifty shillings has been deposited or paid under section sixteen of the Finance Act, 1894 [57 & 58 Vict. c. 30] (which relates to the estate duty on small estates), and it is afterwards found that the gross value of the property on which estate duty is payable exceeds three hundred or five hundred pounds, as the case may be, the Commissioners of Inland Revenue, if they are satisfied that there were reasonable grounds for the original estimate of the value of the property, may (notwithstanding anything in section thirty-five of the Customs and Inland Revenue Act, 1881 [44 & 45 Vict. c. 12]) allow an amount equal to the fixed duty deposited or paid to be deducted from the estate duty payable in respect of the property.

15. *Basis for calculation of Government annuities.* In section one of the National Debt (Supplemental) Act, 1888 (which relates to the basis for the calculation of the price of Government annuities), two and a half per cent. Consolidated stock within the meaning of the National Debt (Conversion) Act, 1888 [51 & 52 Vict. c. 15, s. 1], shall as from the first day of September nineteen hundred and

three be substituted for Bank annuities bearing interest at the rate of two and a half per cent. per annum.

16. *Regulations as to payments made by and discharges given to National Debt Commissioners.*—(1) The National Debt Commissioners, with the concurrence of the Treasury, may make regulations as to the mode in which any sum payable by those Commissioners in respect of any life or other terminable annuity, or the commutation of a pension, or the draft of trustees of a savings bank or of a friendly society, or of an advance from the Local Loans Fund, may be paid, and the manner in which a valid discharge is to be given to those Commissioners for any such payment and for crediting instead of paying the interest due in respect of any sums so paid; and payments made and discharges given in accordance with those regulations shall be valid, notwithstanding anything in any other Act.

(2) Section twenty-six of the Trustee Savings Bank Act, 1863, so far as it relates to the signature and attestation of any draft or order for a sum exceeding five thousand pounds, shall cease to have effect.

17. *Repeal, commencement, and short title.*—(1) The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(2) This Act shall come into operation on the first day of September nineteen hundred and three and may be cited as the Revenue Act, 1903.

SCHEDULE.

ENACTMENTS REPEALED.

[Section 17.]

Session and Chapter.	Short Title.	Extent of Repeal.
18 & 19 Vict. c. 35.	The Income Tax (Insurance) Act, 1885.	Section one, from "Provided that" to the end of the section.
26 & 27 Vict. c. 87.	The Trustees Savings Bank Act, 1863.	Section twenty-six, from the beginning of the section to "Provided also that," inclusive.
39 & 40 Vict. c. 35.	The Customs Tariff Act, 1876.	The last paragraph but two of the Schedule, commencing with the words "Upon the importation into Great Britain and Ireland," and ending with the words "importation into the United Kingdom."
53 & 54 Vict. c. 8.	The Customs and Inland Revenue Act, 1890.	Sub-section two of section twenty-six, except so far as applied for the purposes of this Act.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 25.	The Customs and Inland Revenue Act, 1891.	Section four.
54 & 55 Vict. c. 39.	The Stamp Act, 1891.	In the Schedule the words— "COMMISSION: £ s. d. (1) To any officer in the army or in the corps of the Royal Marines 1 10 0 (2) To any officer in the navy 0 5 0  Exemption.  Commission to any officer in Militia, yeomanry, or volunteers."

CHAPTER 47.

[Military Lands Act, 1903.]

An Act to amend the Military Lands Acts, 1892 to 1900, with respect to the acquisition of Land for Military Purposes.

[14th August 1903.]

Be it enacted, &c.:

1. *Power of councils to hire land for military purposes.*—(1) The council of a county or borough may, at the request of one or more volunteer corps, by agreement hire land on behalf of the volunteer corps for military purposes, for a period not less than twenty-one years, and may contribute towards the expenses incurred by another council in purchasing or hiring land for those purposes, and the expenses of so hiring or contributing may be defrayed in the same manner as expenses of purchasing, and the payment of those expenses so far as they are in the nature of capital expenses, shall accordingly be a purpose for which the council may borrow.

(2) Land hired under this section on behalf of one or more volunteer corps may be leased to the volunteer corps in like manner as land held by the council of a county or borough under sub-section three of section one of the Military Lands Act, 1892 [55 & 56 Vict. c. 43], and section one of the Military Lands Act, 1900 [63 & 64 Vict. c. 56], shall apply accordingly.

(3) Sections ten and eleven of the Military Lands Act, 1892, shall apply to leases of land to councils hiring land under this section as they apply to leases of land to a Secretary of State or a volunteer corps.

2. *Short title and construction.* This Act may be cited as the Military Lands Act, 1903, and shall be construed as one with the Military Lands Acts, 1892 to 1900, and those Acts and this Act may be cited as the Military Lands Acts, 1892 to 1903.

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(2 EDWARD VII., A.D. 1902)

Passed prior to the Prorogation of Parliament on the 18th of December, 1902.

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3 EDWARD VII., A.D. 1903.

NOTE.—The capital letters placed after the chapter have the following signification:—E., that the Act relates to England (and Wales, if it so extend); S., to Scotland exclusively; I., to Ireland exclusively; U.K., to Great Britain and Ireland (and Colonies, if it so extend); Ind., to India specially; C., to the Colonies specially, or any of them.

- ARMY (ANNUAL);** to provide, during Twelve Months, for the Discipline and Regulation of the Army. Ch. 4. U.K. p. 19.
- BANK HOLIDAY (IRELAND);** to make provision for a Bank Holiday in Ireland on the seventeenth day of every March. Ch. 1. I. p. 19.
- BERWICKSHIRE COUNTY TOWN;** to constitute the Town of Duns to be the Head Burgh or County Town of Berwickshire. Ch. 5. S. p. 20.
- BOARD OF AGRICULTURE AND FISHERIES;** to transfer to the Board of Agriculture powers and duties relating to the Industry of Fishing, and to amend the Board of Agriculture Act, 1889. Ch. 31. E. & S. p. 28.
- BOROUGH FUNDS;** to amend the Borough Funds Act, 1872. Ch. 14. E. p. 21.
- BURGH POLICE (SCOTLAND);** to amend the Law relating to the administration of Burghs in Scotland. Ch. 33. S.
- CONSOLIDATED FUND:**  
No. 1:  
—to apply certain sums out of the Consolidated Fund to the service of the years ending on the 31st March, 1902, 1903, and 1904. Ch. 3. U.K.
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—to apply certain sums out of the Consolidated Fund to the service of the years ending on the 31st March, 1902 and 1904, and to appropriate the supplies granted in this Session of Parliament. Ch. 32. U.K.
- CONTRACTS (INDIA OFFICE);** to remove Doubts as to the Mode of Execution of certain Contracts entered into on behalf of the Secretary of State for India in Council. Ch. 11. Ind. p. 21.
- COUNTY COUNCILS (BILLS IN PARLIAMENT);** to empower County Councils to promote Bills in Parliament. Ch. 9. E. & S. p. 21.
- COUNTY COURTS;** to extend the Jurisdiction of the County Courts. Ch. 42. E. p. 34.
- DISEASES OF ANIMALS;** to amend the Diseases of Animals Act, 1894, in relation to Sheep Scab. Ch. 43. U.K. p. 34.
- EDUCATION (LONDON);** to extend and adapt the Education Act, 1902, to London. Ch. 24. E. p. 25.
- EDUCATION (PROVISION OF WORKING BALANCES);** to provide for the borrowing by Local Education Authorities for certain purposes. Ch. 10. E. p. 21.
- ELEMENTARY EDUCATION AMENDMENT;** to amend the Elementary Education (Defective and Epileptic Children) Act, 1899. Ch. 13. E. p. 21.
- EMPLOYMENT OF CHILDREN;** to make better provision for Regulating the Employment of Children. Ch. 45. U.K. p. 34.
- EXPIRING LAWS CONTINUANCE;** to continue various Expiring Laws. Ch. 40. U.K. p. 32.
- FINANCE;** to grant certain Duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provisions for the financial arrangements of the year. Ch. 8. U.K. p. 20.
- GENERAL DEALERS (IRELAND);** for regulating the business of Marine Store Dealers and Dealers in Second-hand Goods in Ireland. Ch. 44. I.
- HOUSING OF THE WORKING CLASSES;** to amend the Law relating to the Housing of the Working Classes. Ch. 39. E. p. 31.
- IRELAND DEVELOPMENT GRANT;** to provide for a Special Grant to be used for the purposes of the Development of Ireland. Ch. 23. I.
- IRISH LAND;** to amend the Law relating to the occupation and ownership of Land in Ireland and for other purposes relating thereto, and to amend the Labourers (Ireland) Acts. Ch. 37. I.
- ISLE OF MAN (CUSTOMS);** to amend the Law with respect to Customs Duties in the Isle of Man. Ch. 35. E.
- LICENSING (SCOTLAND);** to consolidate with Amendments the Laws relating to Licensing in Scotland. Ch. 25. S.
- LIGHT LOCOMOTIVES (IRELAND);** to provide for the authorisation of Races with Light Locomotives in Ireland. Ch. 2. I.
- MARRIAGES LEGALIZATION;** to render valid Marriages heretofore solemnised at the Ellerker Chapel-of-Ease, Brantingham, and at the Churches of Saint Mark, Marske-in-Cleveland, All Saints, Brightwalton (otherwise Brightwalton), and Saint Mary, Great Ilford, and at the Old Baptist Union Chapel, Grays Thurrock, and Marriages solemnised after banns published at the Mission Room in the parish of Marrick. Ch. 26. U.K. p. 26.
- METROPOLITAN STREETS;** to amend the Metropolitan Streets Act, 1867. Ch. 17. E. p. 23.
- MILITARY LANDS;** to amend the Military Lands Acts, 1892 to 1900, with respect to the acquisition of Land for Military Purposes. Ch. 47. U.K. p. 35.
- MILITARY WORKS;** to make further provision for defraying the expenses of certain Military Works and other Military Services. Ch. 29. U.K.
- MOTOR CAR;** to amend the Locomotives on Highways Act, 1896. Ch. 36. U.K. p. 29.
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- NAVAL WORKS;** to make further provision for the construction of Works in the United Kingdom and elsewhere for the purposes of the Royal Navy. Ch. 22. U.K.
- PATRIOTIC FUND REORGANISATION;** to reorganise the Administration of the Patriotic Fund. Chap. 20. U.K. p. 24.
- PISTOLS;** to regulate the sale and use of Pistols or other Firearms. Ch. 18. E. & S. p. 23.
- POOR LAW (DISSOLUTION OF SCHOOL DISTRICTS AND ADJUSTMENTS);** to give power to dissolve School Districts formed under the Acts relating to the relief of the poor, and facilitating adjustments on alterations of areas or authorities under those Acts. Ch. 19. E. p. 23.
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- POST OFFICE (MONEY ORDERS);** to enable the Postmaster-General to issue Postal Orders of the Value of Twenty-one Shillings. Ch. 1. U.K. p. 21.
- PUBLIC BUILDINGS EXPENSES;** to make further provision for defraying the expenses of the purchase of Land and Buildings and the construction of Buildings and Works in connection with certain Public Departments. Ch. 41. U.K.
- PUBLIC OFFICES SITE (DUBLIN);** for the acquisition of certain land in Dublin as a site for a proposed Royal College of Science and other offices and buildings for the public service and for purposes connected therewith. Ch. 16. I.
- PUBLIC WORKS LOANS;** to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. Ch. 28. U.K. p. 27.
- RAILWAYS (ELECTRICAL POWER);** to facilitate the Introduction and use of Electrical Power on Railways. Ch. 30. U.K. p. 27.
- REVENUE;** to make certain amendments of the Law relating to Customs and Inland Revenue and of the Law relating to the powers and duties of the National Debt Commissioners. Ch. 46. U.K. p. 34.
- SOUTH AFRICAN LOAN AND WAR CONTRIBUTION;** to authorise the Treasury to guarantee the payment of a Loan to be raised by the Transvaal, and to provide for the application of any sums paid by that Colony or the Orange River Colony towards the expenses incurred by His Majesty's Government in connection with the prosecution of the late war in South Africa. Ch. 27. U.K. p. 26.
- SUGAR CONVENTION;** to make provision for giving effect to a Convention signed the Fifth day of March, nineteen hundred and two, in relation to Sugar. Ch. 21. U.K. p. 25.
- TOWN COUNCILS (SCOTLAND);** to amend the Town Councils (Scotland) Act, 1900. Ch. 38. S.

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